United States Court of Appeals

for the Second Circuit

APPELLANT'S APPENDIX

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74-2221

United States Court of Appeals

For the Second Circuit

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CHARLES DEFELICE, a minor under the age of 21 years, by his Mother, GERTRUDE DEFELICE, PETER A. DUNN, a minor under the age of 21 years, by his Mother, SUSIE HARRISON, GEORGE IRISH, JR., a minor under the age of 21 years, by his Father, GEORGE J. IRISH, VILMA MORAN, a minor under the age of 21 years, by her Father, PEDRO MORAN, ALFREDO A. RAMOS, a minor under the age of 21 years, by his Mother ALFRIDA RAMOS on behalf of each and on behalf of all others similarly situated,

Plaintiffs-Appellees,

v.

THE BOARD OF EDUCATION OF THE CITY OF NEW YORK, MURRY BERGTRAUM, President of the Board of Education of the City of New York, HARVEY B. SCRIBNER, Chancellor of the Schools of the City of New York, IRVING ANKER, Superintendent of Schools of the City of New York, JACOB ZACK, Assistant Superintendent in Charge of High Schools of the City of New York, and HILLERY C. THORNE, Director of Central Zoning of the Board of Education of the City of New York,

Defendants-Appellants.

On Appeal from the United States District Court for the Eastern District of New York

APPELLANTS' APPENDIX

VOLUME III OF FOUR VOLUMES

(Pages 550 to 905)

UNITED STATES COURT OF APPEALS
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SECOND CIRCUIT

ADRIAN P. BURKE,
Corporation Counsel of the City of New York,
Attorney for Defendants-Appellants,
Municipal Building,
New York, New York 10007.
(212) 566-4510

MORTIMER TODEL,
Attorney for Plaintiffs-Appellees,
150 East 58th Street,
New York, New York 10022.
(212) 753-7500

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THE COURT: It would bear on the City's motion for summary judgment.

MR. GOPSTEIN: This is for the entire motion, not just for the Exhibits.

THE COURT: Yes, I suppose so.

MR. TODEL: I have no objection.

THE CLERK: So marked.

Exhibit P in evidence.

MR. TODEL: I have no objection to the introduction of Exhibit O, your Honor; 1972-'3, Open Admissions Program.

MR. GOPSTEIN: And Exhibit O also.

MR. TODEL: This is part of the Exhibit attached to the motion -- I have no objection.

MR. GOPSTEIN: This will be in place.

MR. TODEL: O & N.

THE CLERK: Exhibit O & N marked in evidence.

THE COURT: Now, I don't think either N or O indicates the number of registrants affected, and from what to what schools, and in what numbers.

MR. GOPSTEIN: I believe thus far, the evidence we have in regard to that, one of Plaintiff's Exhibits as to the number of people involved in optional programs that went out of Lane over a four year period, I

believe we had total reference to --

THE COURT: Yes, we have those figures, before.

Q (Continuing) Now, Dr. Zack, will you turn to page 2 of 1971-'72, announcement, and could you please just read the options which apply to Franklin K. Lane.

A Students attending IS 271 who reside in the zone of Franklin K. Lane, will indicate their preference; South Shore High School, James Madison High School, Midwood High School or Franklin K. Lane High School. It is urged that each student list all three choices. Assignments will be made on the assignment of seats and geographic location.

Q And if you turn to page two of the next exhibit?

A Students attending IS 271 and IS 55 who reside in the zone of Franklin K. Lane High School indicate their preference. It is urged that each student list all three choices in the order of his preference. Assignments will be made on the availability of seats and geographic location.

Q This change went into effect in 1971?

A Yes.

Q And this was in addition to the change that took place a year beforehand -- the rezoning of Boys High School.

A Yes.

Q When Boys High School was rezoned were there optional open admissions program built into rezoning?

A Yes, there was. Boys High School students had an option

to go to a number of listed high schools in the southern part of Brooklyn, but they had no option to go to Franklin K. Lane High School. They were excluded from the Franklin K. Lane district.

Q Dr. Zack, could you then just summarize for us the changes which we have seen looking at the variety of maps, having looked at the eastern part of the district and the other changes you testified to over a roughly ten year period, what type of changes have we had?

A Changes that were significant, were changes that were made in the Brooklyn portion of the zone of Franklin K. Lane on the western extremities. The section that had formerly been part of Franklin K. Lane was zoned into Boys High School. When a zone was created for Boys High School, these students were removed from attendance at Franklin K. Lane. In the following year, as part of the same practice IS 271 and 55 had been schools that were given options to go to three high schools in other areas. IS 55 and IS 271 were two of the big feeders into Franklin K. Lane.

Two of the big feeders from ghetto areas.

THE COURT: Now, in the zoning of Boys High School, would that actually have much affected the attendance of Franklin K. Lane?

THE WITNESS: I think it would have.

THE COURT: In other words, there were boys under the unzoned system that could have, but did not attend Boys High, but when they were definitely assigned to it, were given another choice.

THE WITNESS: That's right.

Q Dr. Zack, there has been evidence submitted that in 1961, Franklin K. Lane had a population, ethnic distribution of Franklin K. Lane showed that there was 72.5% others. Now that you have described some of the changes that had taken place in the preceding decades and we know the white population or other population has gone down, based on your testimony in this hour or so, would you say the white population has gone down because of any rezoning on the part of the Board of Education?

MR. TODEL: Objection.

THE COURT: What grounds?

MR. TODEL: It's a leading question, and I think the question should be put on what basis does he think any change resulted in the zone -- just on the basis of fact.

MR. GOPSTEIN: I am asking if this one element of rezoning, whether Dr. Zack feels that that has contributed to a change in the other population?

THE COURT: I think the point is what can you say to him, what, if anything, what factor or factors,

if any, do you attribute this change in the ethnic distribution and the actual attendance at Franklin K. Lane?

MR. GOPSTEIN: All right, I will rephrase the question as his Honor suggests.

THE WITNESS: Changes that have taken place in the population of Franklin K. Lane are not the result -- in the other population is not a result of zoning practices or changes.

They have come about through the ethnic composition of the areas feeding into that area. In the period of ten years, the zoning changes that we have made, has affected the number of students, who are from the ghetto areas, from the Black and Puerto Rican areas, which have contributed, I think, almost a hundred percent of their population as minority youngsters; therefore, any changes made by zoning would have drawn Black and Puerto Rican youngsters and not others.

Q From your knowledge, of the area, the area in which zoning changes have taken place are substantially Black and Puerto Rican?

A Yes.

Q Would you conclude, had those changes not taken

place, how do you think the ethnic distribution of Lane might be today?

A The percentage of Black and Puerto Rican youngsters would have been higher than it is today, on a percentage basis, the others would have been lower.

Q Dr. Zack, I believe we have had testimony that Mr. Anker, among others, that the efforts of some of the zoning procedures that you have described in regard to Franklin K. Lane, have been used by the Board of Education in a number of ways throughout many areas of Brooklyn and Queens, and I would like you, if you can, to describe some of those procedures and we don't have the -- if we had Brooklyn-Queens, maps, perhaps it would be a little clearer.

Now, open admissions, you can start with that, I think it goes by a number of names, free choice, or alternative assignment, things like that. Has the open admissions program been used in other areas in Brooklyn?

A Yes, I think we were reaching then at that particular point to affect all enclaves or free choice ends. There had been a considerable expression of sentiment by all of the groups that we had consulted, that this ought to be made uniform and it would be a more desirable use of enclaves and some places free choice, or others. We therefore moved toward making this uniform for Brooklyn, totally.

We had arranged in Southern Brooklyn to make available seats for youngsters out of the ghetto areas, using as our approach, a factor of about 140% of maximum utilization, available seats, and also the ethnic composition of the schools to affect their absorption. We were uncertain whether all the available seats would be requested, the response was anything but different from what we expected, and better in my judgment, in that the seats were offered voluntarily and for a while it appeared, that we would have difficulty accommodating all of those students who would want to go from the areas that we formerly described as ghettto schools into the southern district schools, so the practice or the policy or the approaches used here from the standpoint of actually making use of the seats that were available were eminently available.

Q There has been some question, earlier part of this trial, as to the number of children who desired to take advantage of the open admissions opportunity, but perhaps could not, how high a percentage of those who wanted to go, were able to take advantage of the program?

Could you give us some idea of what percentages we are talking about?

A I think that we were able to provide on the first run for something like eighty to ninety percent, about eighty

percent. I don't want to be held to that too strictly.

However, we then re-examined all of the options that were taken up, what the attendance factors were, and eventually were pretty much able to accommodate those who applied.

Q Was there reassignment?

A Yes, we kept reaching until we could find every available seat.

Q We are talking about in the area of eighty, ninety percent, rather than something substantially lower.

A Yes.

Q Now, there has been testimony that a total number of students from northern Brooklyn to southern Brooklyn, taking advantage of this, has varied over the last few years, perhaps over two thousand. Now, maybe 1,800, 1,700. Now, this number, does it reflect the total number of students, or those entering into the program?

A Those entering, I think that has to be seen in relationship as to how a school normally grows. When youngsters enter in the ninth or tenth grade, they will be there for a period of three or four years, they will contribute to the growth and aize of the school, and the tendency to overreach in the first school and then find that you have filled up your pipeline to full and then watch your numbers, you will

tend to have fewer available seats, the following year. Also there is a normal growth of population in the areas where schools exist. There has been a falling off, the numbers are a little higher than they were subsequently.

Q Since this cumulative number, the total number of students taking advantage of open enrollment would be what, would it triple or quadruple the figure?

A Yes. I think you would have to use something between three and four times. Some will stay for three years, some will stay for four, you would have to multiply that number in there, if you are putting the same number in by a factor of three and a half approximately, in order to arrive at the total number that will.

Q If we took a figure of about two thousand, perhaps it's a bit high, approximately seven thousand students multiplied by three, about seven thousand students from northern Brooklyn high schools, would be open admission program going to the south.

A At any one time, if you are to use that as a gap.

Q Is there an open admissions program from elementary schools into junior high schools?

A It isn't called open admission. I am reaching for the name. It is in the nature of free choice. This type of program applies to youngsters from elementary and junior high schools.

In other words, they would go to a particular elementary school for integration purposes, then in effect, they are considered part of that student body and move with it, as if they were geographically in the zone of that school. It's voluntary. I am looking forthe phrase, it escapes me. In any event, the impact is the same and then those youngsters in this particular program will go from the elementary schools to the regular junior high school, to which that school is a feeder, as if they were part of the geographic zone and after the junior high schools, they will go to the high school that would be considered geographically zoned into that high school, so that what you have is another form of input, which is not apparent on the first look, but beginning with elementary school, and intermediate and high school, there is another way of achieving your integration.

Q If a youngster was attending --

THE COURT: The system is bled twice.

THE WITNESS: Or enriched twice, whichever way you want to look at it.

If a youngster was going into an elementary school in a Lane area, that ordinarily leads into IS 271, was to go to another IS or junior high school in the south, when the time came for him to go to high school, he would be part of that southern high

school population.

A That's on an open admission basis.

THE COURT: No way of knowing what the academic description of the children who opted out is, I take it.

THE WITNESS: Are you referring, your Honor, to their academic competency?

THE COURT: Well, their competency where they stood on these input tests, where reading -- I was just wondering what the effect is on the feeder schools and on Franklin K. Lane, whether it means that they lose their most ambitious and aggressive ghetto students or what.

THE WITNESS: I could respond knowledgeably to that.

THE COURT: I guess there is no way of measuring that.

THE WITNESS: It's what you're inclined to say would be a very interesting proposition.

THE COURT: I was assuming that it depends on a certain amount of parental competence and interest.

THE WITNESS: There are also -- I think a factor of community pressures to have youngsters

take advantage of them in the ghetto areas.

THE COURT: You mean treated like a scholarship opportunity, something like that?

THE WITNESS: There are so few cases, real push on the part of leaders in the ghetto areas to get people to extend their youngsters. One can understand that, otherwise it would appear that it had no point. It does not necessarily depend on the parental input, it would also be a community push.

Q Now, in the area of enclaves, which we have referred to before as the second zoning device. After opt admissions, it has already been testified to that there are -- we don't have the map on here, -- but that there are certain enclaves in Brooklyn, which feed into certain Queens areas.

THE COURT: In addition.

MR. GOPSTEIN: Mark this.

THE CLERK: Marked for identification, as Defendant's Exhibit Q.

Q Dr. Zack, I show you defendant's Exhibit Q, which is entitled from Brooklyn enclave to Queens academic high schools, from '69 to '72. I would like you to describe this document.

A This document actually lists the number of students from enclaves, from feeder schools into particular high schools, running through the year 1969, '70, '71 and '72, giving totals at the end of the columns. It affects Bryant, Grover Cleveland, John Adams High School, and they describe feeder schools in the Borough of Queens that have been assigned in that fashion to schools in Queens.

Q Could you tell us, for this four year period, what is the total number of all the students indicated there that was affected by the enclave?

A 2,307.

Q And these are the enclaves for Bryant, Grover Cleveland, Richmond Hill and John Adams?

A Right.

Q And are there also enclaves in Queens?

A Yes, there are.

THE COURT: These are the ones, the Exhibit Q just shows the one that goes from Brookly and Queens.

(Continued on next page.)

MR. GOPSTEIN: Just Brooklyn to Queens.

THE COURT: Not the one to go from North Brooklyn to South Brooklyn.

THE WITNESS: No, not this Exhibit.

MR. GOPSTEIN: Well, they would not be the enclaves. They would be open admission programs.

THE COURT: There are no enclaves from North Brooklyn to South.

THE WITNESS: They discontinued them last year and replaced them with open admission approaches.

MR. GOPSTEIN: If your Honor would look at the small maps --

THE COURT: They are out now. I think they were offered later.

MR. GOPSTEIN: I believe you see in the '68-'9 and '69-'70, there are enclaves in South Brooklyn high schools which are eliminated in '70-'71.

THE COURT: Yes.

MR. GOPSTEIN: I would like to offer this in evidence.

MR. TODEL: May I ask for a voir dire?

VOIR DIRE EXAMINATION

BY MR. TODEL:

Q Dr. Zack, I notice that there are a number of staples and I was wondering what particular report this particular report was taken from?

A I can't identify it for you, I don't know.

MR. GOPSTEIN: Your Honor, this was not from a report, these were statistics that were compiled for us and the staples are a result that these were attached to other documents in reply to an inquiry but not part of a document, this was taken from.

MR. TODEL: I have no objection.

THECLERK: Defendant's Exhibit Q now marked in evidence.

THE COURT: Is there another copy of that available.

MR. GOPSTEIN: Of that, your Honor, I only have one. I will have to make copies.

THE COURT: The Exhibit Q, I take it , assumes that the child was transferred, remains until graduation, or is that not so?

THE WITNESS: That would be the input figure. That would not be what the final outcome is.

THE COURT: Well, Mr. Snickley said that the enclaves transferring to Bryant were in 1970, 58; in 1971, 34; and in 1972, 34; and that's totalled as 126 which is the mathematical total of those numbers and that's the number that's carried down as 2307. If any of them dropped out or transferred, then 2307 would be overstated to that extent, unless there were substitutions.

THE WITNESS: It can only describe that they are assigned there. It cannot describe what occurred there subsequently.

CONTINUED DIRECT EXAMINATION

BY MR. GOPSTEIN:

Q And now, we are talking about the enclaves, the ones from North Brooklyn, but the ones from Queens themselves, can you tell us where most of these enclaves are?

A They are in South Jamaica which is largely ghettoized area of Queens, and these enclaves have been set up and have been assigned across the Borough to the northern section which refers to the Brooklyn sector which is a concentration of others, whereas in South Brooklyn, on the other hand, these students are assigned to specific high schools in the northern sector, once again based upon available seating and ethnic distribution.

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Q Has this resulted in an increase in the presumably -- we had testimony -- this means that there is a Black, Puerto Rican population in the schools in the north.

A Very extreme, runs thirty percent or more in the schools.

Q What is the residential pattern of the areas that they are being sent into?

A Generally speaking, in general terms, almost wholly others.

Q Is this the same pattern that one would find in the open admissions program in Brooklyn, in regard to the receiving schools in the south of Brooklyn?

A To a large degree, although there are indigenous minority populations in some of the areas of the South Brooklyn schools.

Q Now, have there also been -- has the promotion of integration been done through the planning of new schools?

A Yes.

Q Had that been a consideration in planning of schools?

A It has been. It's a problem that needs some expanding on. I think you will find it of interest. The attempt has been in setting sites for schools that are going to be built, so that they would be placed in what would be fringe areas or areas that were largely other and created therefore, a

possibility for integration in the fringed areas on a national basis. The instability of our population is sometimes depleted. When a school is on a fringe area for instance, it's in an area more minority population -- this has been the practice in Queens, in Brooklyn, however in some measure, response to communities, we have moved to building the schools where the students are, regardless of their ethnic population and therefore on the drawing board -- at this moment, we are planning to put on the drawing board, some high school[illegible] will appear in areas that are largely Black and Puerto R[illegible]. This will be in the area of East New York and of Brownsville and of North Brooklyn, whether this is the best practice is difficult to say, but in each case, one of the major concerns has been the responsiveness of communities on occasion, have demanded that the school be put where the students are rather than compel them to travel for integration purposes.

This should have some impact particularly on the case in point here.

THE COURT: In this case?

THE WITNESS: Yes, sir.

The ones that are being built in Brooklyn, will be schools when they are resumed will be forcing off minorities from Franklin K. Lane in considerable numbers. These schools are on the fringes of Franklin

K. Lane, the area being in East New York and in Brownsville and in North Brooklyn.

BY MR. GOPSTEIN:

Q And these schools are now in some stage of planning?

A Yes, for example, Boys High School will be of some interest to you, will be replaced, will have a 4,000 capacity as compared to the 2,000 capacity of the existing plan and therefore to be filled on a much larger zone than is presently part of its pattern. The other schools that is coming in will be in the area of Brownsville and another one will be beyond Thomas Jefferson High School, and then quite close to Franklin K. Lane's present location, and will cut into those populations in considerable numbers.

Q Is it likely that within a period of relatively few years, the present zone of Franklin K. Lane will be quite different?

A It will be when Boys High is completed and the other, if we move quickly, is something to reckon with within two or three years.

Q And presumably the changes would all be in the western zone, taking away sections of those?

A Yes.

Q Now, you mentioned that presently some of the new

high schools now under planning, are in the northern part of Brooklyn, but in the 1960's, could you elaborate the policy was slightly different, was it not?

A Yes, in the '60's, they were attempting to build them in the fringe areas, for that reason we built South Shore for example, and also put on the drawing board, a school on Avenue L, which is moving toward construction. That policy has been reversed as I pointed out in the consideration of where to put other schools in Brooklyn, and consequently, the next bulk of the construction is going to be in East New York-Brownsville and that northeast portion of Brooklyn, which will relieve, in terms of pressure, Franklin K. Lane, among others, but also Eastern District and Bushwick as well.

The impact should be considerable.

Q In regard to Queens, I believe Mr. Anker testified that perhaps for some period of time, the general policy was to build high schools north of Hillside Avenue. Explain that, and also whether this appears to be a policy for the future.

A At present, those schools which have been considered for construction, will follow that policy, except for something like Broad Channel, which is down in the Rockaway area, and is in the process of completion, that once again, would have been an area of others with some minority population along the Rockaway peninsula, but the others projected, are all north of

Hillside Avenue, sometimes substantially north of Hillside Avenue. As a question of judgment, I don't know if this will ultimately satisfy or improve this situation. My own projection is that eventually, we will have to start to move to put the schools where the students are.

Q Like in the building of Hillcrest High School in Queens?

A Very definitely.

Q And in the composition of that school, the putting together of the ethnic factor was a very important one all the time, as a result of which, all the neighboring schools -- whenever you put a new school in, there has to be a massive impact on the neighboring high school. You will be dropping a stone in the lake and it disappears without a sound. Hillcrest, of course, had an impact on other schools, Jamaica, Forest Hills, that whole impact, and reached down to make sure it got an ethnic mixture.

We are trying about 60-40 in its original project, the 60 being others, and that would be the pattern for any schools now being projected in Queens, all being considered north of Hillside Avenue.

Q In regard to the statement just made about the impact of a new school on the surrounding schools, while I don't expect you to know the history of Lane back on to its

opening, it has been testified that Lane present building was constructed in 1937. I am wondering whether you are aware we had reference to Richmond Hill and John Adams in the east, whether these schools were built before Franklin K. Lane.

A It was my impression that Lane was one of the last schools built before World War II.

THE COURT: Newer than Richmond Hill?

THE WITNESS: And the others mentioned, too, I think so, that would be my impression.

Q I would ask you to refer to the profile page 110.

A Yes, state of construction, 1930 -- would be seven years earlier.

Q Now, for Richmond Hill it would be page 120.

A And that should be a much older school -- 1928.

THE COURT: I guess Jamaica is the older one?

THE WITNESS: Yes.

Q And Grover Cleveland, which is over here, I believe that's page 106?

A It's a school -- Charlie Tonzer, who his Honor might remember was a teacher of the high school, became founding principal of Grover Cleveland.

Q I am now pointing to defendant's Exhibit J, which is the Brooklyn map. If we look to the south of Franklin K.

Lane, we see Thomas Jefferson. 517

A That goes back to 1924.

Q And if we look to the east, to the west, we have Boys High School?

A That goes back to 1891.

THE COURT: It says 1910 here.

THE WITNESS: The original building went back to 1891.

Q And we have also to the west, also Bushwick High School, and I believe that's on page 54.

A That should be a much older school which had a very substantial modernization -- 1912.

Q In other words, you have testified that Franklin K. Lane was built here in 1937. We already added Richmond High School here, Grover Cleveland over here (indicating), Bushwick approximately here (indicating); Boys here (indicating); and Thomas Jefferson here (indicating). Geographically, it was built somewhere between those schools.

A Yes.

Q In light of that history, aside from the testimony which you gave us previously in regard to the last ten years of Franklin K. Lane, it would appear that at the time Franklin K. Lane was built, the zone which is now -- would you say that the zone would seem like a logical zone, considering the

pre-existing high schools around it?

A Yes, it would.

MR. GOPSTEIN: Mark this.

THE CLE[illegible]: Document marked for identification as defendant's Exhibit R.

Q Mr. Zack, you have just been handed defendant's Exhibit R, could you please identify what this document is?

A This is a release, an information release from the office of information from the Board of Education describing the rezoning of Brooklyn schools for next fall, which was the fall of 1972, and it gave, among other things, special procedures and efforts that were being made with regard to a variety of schools, and also outlining the new zones and accommodations being made, and it covers all of the schools in Brooklyn.

Q And could you look at paragraph two?

A Yes.

Q Could you tell us what those schools or those two projects are?

A Yes; Erasmus Hall High School and Samuel Jay High School has had rapidly changing population. The etnnics on both of those schools has been shifting with extraordinary speed. The attempt here is to find some way of making these schools magnet schools, so that they would attract youngsters from other

high schools to these schools, and, therefore, do two things. For one thing, improve rather than provide opportunity for special programming for youngsters and perhaps be able to draw out of other areas of Brooklyn, students to attend these particular schools.

In the case of Erasmus, the zone there has been reduced, and reduced constantly in an attempt to keep it ethnically viable. The areas that were cut away were areas out of the ghetto areas, while the existing areas to the south which would have been the normal areas were maintained, trying to reverse this ethnic problem. In spite of all of this, it is moving with considerable rapidity, and these are fringe benefit schools.

These two plans were devised to see if they could have some effect. There were special programs in the hope that youngsters would be attracted to them.

Q This particular document includes the broader description of the actual borders for 1972-'3.

THE COURT: '72-'73?

MR. GOPSTEIN: Yes.

Q In addition to a description of the open admissions option --

THE COURT: Does it give numbers on them, do you recall?

Q I believe it's just a description of the zone and of the options.

A In terms of available feeding, yes.

MR. GOPSTEIN: I would like to offer this in evidence.

MR. TODEL: No objection.

THE COURT: Received.

THE CLERK: Defendant's Exhibit R in evidence, now marked.

THE COURT: On the top of the pages eleven and twelve, registered utilization -- Negro Puerto Rican, other.

Q The various efforts that you have described either in --

THE COURT: What is the John Dewey, is that a non-zoned school?

THE WITNESS: That's an experimental high school, your Honor, with a very special design, and if you have a day, some day when you can go to a high school, I would suggest that you take a look at it. It includes a number of exceptional innovations. It has no passing or failing marks as such, but only youngsters retained in class without marks. It has been very much examined across

the country. It is a school which runs for eight hours of instruction for the students as compared with the usual five or six and the teachers work a much longer day. They work eight hours. It must reflect the ethnic distribution of the Borough of Brooklyn, although it's located in an exceptionally white community.

They must compose their student body, all come optionally, don't have to attend, so it would reflect the ethnic distribution of the Borough. As a consequence, it is built into this school in the south of Brooklyn, as you can see, approximately thirty percent others, and the push in the future would move them towards forty percent.

The intent is to see whether experimental high schools will work for all the young people, regardless of their background and regardless of their socio-economic condition.

THE COURT: But it's not zoned at all?

THE WITNESS: It is in a sense restricted to Brooklyn. It begins by giving a preference to students in District 21, but only those who choose to go in that District. It mostly reflects ethnically the distribution of the Borough, because of the fact

that it is an extended day, running for eight hours. It just fills up the whole day, that's part of the design. I think you would have an exhilarating experience to go there. Unfortunately, it is a very expensive school to operate and the City will have to be able to put up the additional money that it requires.

(Continued on next page.)

Q The School of Music and Arts and Physical Science seems to be similarly -- and something like that, it will not give them the extended day, but will attempt within the confines of an existing high school duplicate a music and arts high school and physical science. We never thought of physical science in a high school as such. It will be interesting to see whether this will draw students.

We are working on an idea, magnet transaction to see whether or not a school, because of its interesting program, will draw youngsters from other areas. We are hoping to be able to stabilize the population of our City, so we don't lose our middle-class people to other communities; can we make the school attractive so they stay put, if we are to survive an integrated society.

Q You have described it -- some of the methods that have been used in Brooklyn and Queens, open admission enclaves and other techniques, new high school, and I think you said that this has one of the effects, it has to put a sizeable proportion of Black and Puerto Rican students, in areas that would not have them otherwise, of the immediate area, and this puts the drain on the utilization of those schools.

A Yes. I think it would be apparent to you in the Brooklyn instance, if you would examine the utilization. For example, Abe Lincoln is one of the schools, Fort Hamilton,

FDR.

Q What are you looking at?

A The section referred to by his Honor when he was --

Q Yes.

A Now, if we run down, I will show those schools which we are using for integration purposes; Lafayette, New Utrecht, Sheepshead Bay.

THE COURT: Not Bay Ridge?

THE WITNESS: No, that is a school to which youngsters go optionally.

THE COURT: That's girls only?

THE WITNESS: It is evenly distributed, as you can see. Fort Hamilton is one, FDR is one, James Madison is one, John Dewey, by its composition is required to be such a school..

THE COURT: Is required to be a Hose school?

THE WITNESS: An ethnically reflected school, it's not a hose school in this situation, except voluntarily, and does draw right across the Borough from the minority group. Lafayette, Midwood, New Utrecht, Sheepshead Bay and that's it.

THE COURT: What is the last one?

THE WITNESS: Sheepshead Bay. The South Shore I would have included that one myself.

Q Would it be accurate to say, as a result of these programs which have led to the types of utilization that you have indicated, few if any of these schools can go on a single session?

A None of them are, as far as I know, not a single one.

Q In other words, they have either overlapping or end-to-end sessions?

A That's right.

Q Could you also tell us -- you said that many of these students come down in Brooklyn into the South and Queens, perhaps into the North, and that we get schools where perhaps up to 30% may be black and Puerto Rican?

A Thirty and more percent.

Q I think your Honor has been interested at various times in the particular figures, we are talking about, the number of students affected. Could you tell us how you view the effect of these programs, and how much these students you think are affected, for example, a school like Midwood becomes 70-30. Is my question clear? In other words, in a school like Midwood, which you say is pretty much in a White area but at 30 percent Black and Puerto Rican, do the seventy percent white students there, can they, in any way be seen benefitting from this ethic to integrate students from other parts of the Borough?

A That is our hope. This is one of the basic thrusts of the whole question of integration. If we are to be an integrated society, people should live together and benefit by the variety of peoples of our community, and therefore, I think one of the best ways of getting that response to people is getting to know you, I believe there is a song that sings about that. I think what is happening there in many cases, is a kind of friendship developing there, participating in music programs and not only in the classroom, but in the extra curriculum.

I do believe the thrust of this is what you are describing mainly for all of us know each other and get to live with each other. I think the ones we don't hear about -- the broad section of our young people are benefitting by this type of experience.

THE COURT: We will have a short recess now.

(Whereupon a recess was taken.)

(After recess).

BY MR. GOPSTEIN:

Q Dr. Zack, I believe that you were commenting on the impact of integration as you view it?

A The whole process of integration for those whom I can speak, I think I represent the so-called superstructure of the Board is a matter of conviction, we believe it, and do it

positively and with hope, and we think of it really in terms of almost the kind of impact that you would have in dropping a pebble in a positive sense in a pool, that the ripple will go to other people, not only those who are in contact, but those who are in contact with those who are in contact.

I know of no better way to get to know people than to know them -- having myself experienced a five week stint in Puerto Rico one summer and coming back there after and going into the New York barrios and seeing people, rather than threatening figures.

I think the whole thing would hold true of a group of students coming from different ethnic backgrounds to really get to know each other and really benefit from it. If I were to project a number of times, the people who ought to be taking Black studies, are the Blacks, not the Whites, and I think the same studies that were offered are really then being targeted at the wrong people in many cases. I would think in schools where these courses are being offered, we would be able to succeed in doing something, knowing other ethnic cultures. It is a matter of hope, and as I was saying, if we are to hope to stabilize our communities, and keeping them integrated in the city and avoid the flight to the suburbs with a great deal of concern, we would think that programs like this would accomplish it.

Q And in the implementation of these programs, and based upon the testimony you have given here, does the Board of Education basically use Borough lines as borders in the zoning process?

A It does not. We have been thinking for example, of making use of possible integration, moving youngsters from the Bronx into North Queens because of its isolation, it is almost impossible for the South Jamaica students. It would be better if we had the transportation over the bridge, and that has been an approach of some of the problems of integration.

We have a school like John F. Kennedy, which is located interestingly enough in an area which is supposed to be Manhattar, whether it's Manhattan or the Bronx, we don't know. In many cases, drawing a considerable distance from the Bronx and Manhattan, we were thinking at one point of trying out a computerized approach of the matter of zoning, in which residence would not be a factor at all.

Believe it or not, the outcry from the community was so loud, we had to back off it. I would say in answer to your question once again, that this is not effective.

Q Kennedy is a new school?

A New school?

Q It just opened?

A It'son the other side of the Harlem River.

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MR. GOPSTEIN: Mark this.

THE CLERK: Document marked for identification as Defendant's Exhibit S.

MR. GOPSTEIN: Mark this.

(Document marked for identification as Defendant's Exhibit T.)

Q Dr. Zack, could you identify the two documents that you have just been given?

A It refers to the Borough of Queens, and discussed the population and ethnic distribution in that Borough of the high schools for the years 1965 and '66. The same thing is true for Exhibit T, except it now refers to the schools in Brooklyn.

THE COURT: '65-66?

THE WITNESS: '65-'66.

Q I am introducing it merely because our other statistics began with '67 and he's brought us back a little further.

I am offering it in evidence.

MR. TODEL: No objection.

THE COURT: Received.

THE CLERK: Defendant's Exhibit S now marked in evidence.

MR. TODEL: I would like to have marked for

identification five documents.

THE CLERK: U, V, W, X and Y marked for identification.

THE COURT: Is this a convenient place to stop, we have a hearing starting at four thirty?

MR. TODEL: It would be helpful -- I was wondering if Mr. Gopstein would have any other witnesses. I have one or two witnesses who will be called back and I don't know what other witnesses Mr. Gopstein will have.

MR. GOPSTEIN: I may have one other, I will have to find out tonight.

THE COURT: You will know first thing in the morning.

MR. GOPSTEIN: I don't think it will be a very lengthy examination in either case.

THE COURT: All right, tomorrow morning at ten o'clock.

MR. GOPSTEIN: There was one exhibit that we only had one copy. May I take it with me, and I will Xerox it?

THE COURT: Yes, surely.

. . . . . .

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

CHARLES DE FELICE, :

-vs- : 71 C 502

THE BOARD OF EDUCATION OF THE CITY OF NEW YORK :

----------x

United States Courthouse
Brooklyn, New York.
December 19, 1972,
10:00 O'clock A.M.

B e f o r e:

HONORABLE JOHN F. DOOLING, JR., U.S.D.J.

WINFRED LEWIS
OFFICIAL COURT REPORTER

APPEARANCES:

MORTIMER TODEL, ESQ.,
Attorney for Plaintiff.

NORMAN REDLICH, ESQ.,
Corporation Counsel, City of New York
Attorney for Defendant.

BY: DORAN GOPSTEIN, ESQ.,
Of Counsel.

. . . . . .

am-1-1

THE COURT: Well, are you ready?

MR. GOPSTEIN: Your Honor, I apologize for my lateness. We were preparing things at the last moment.

THE COURT: Well, did they make you happy about that record?

MR. TODEL: I received the report, but the report, if they spent a hundred thousand dollars on that report, which is really the same report which is the one which is exhibit 5 attached to the papers, in other words, that was a wrong report, and it was just slightly revised for language and that's about it.

THE COURT: Is that the way you saw it?

MR. GOPSTEIN: I wouldn't say so but I was asked to present a copy to Mr. Todel, and I did, and he said he does not need it any further. That's all.

THE COURT: Just a minute. Until I put this thing together.

MR. GOPSTEIN: Your Honor, this was the Exhibit that I took yesterday that was marked in evidence, just to make copies of it.

BY MR. GOPSTEIN:

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Q Dr. Zack -- Dr. Zack, I give you Defendant's Exhibits U through Y, which were marked for identification yesterday, and I ask you to look at them and I would like you, in turn --

A Yes, sir.

Q Just to identify these documents in order. First, Defendant's Exhibit U, could you tell us what that indicates?

A Yes. This Exhibit is from the central zoning unit and describes the school population in terms of ethnic distribution for the academic high schools for the area of New York City for the period of 1957 through the period of 1967, a period of ten years.

Q And what is the indication on this job as to the changing ethnic population of --

MR. TODEL: Are you offering it into evidence before he testifies?

MR. GOPSTEIN: First, I will identify all five documents.

MR. TODEL: He's identified --

Q Would you identify Defendants Exhibit V, please?

A It is similarly from the central zoning unit dealing with the same subject of school population and ethnic distribution.

THE COURT: Is that all schools or secondary schools?

THE WITNESS: Only secondary schools.

Academic high schools was the first one. The second one deals with academic and vocational high schools in the Borough of Brooklyn. It covers a period from 1961 to 1971. It goes from 1961 to 1967 without a break and then from 1967, gives us clearly changes down through 1971.

Q And does it also contain utilization figures?

A Yes, it does. It gives you the total enrollment and the breakdown in ethnics.

Q Defendant's Exhibit W, could you identify that?

A It is a similar document from the same source, dealing with combined academic high schools for the area of Brooklyn, covering the years 1957 to 1967 consecutively.

Q Would you look at page two, I think it goes beyond that?

A Then, on page two, continues, omitting the year 1968, through 1971.

Q Actually, I believe '68 just came out with very poorly on the xerox copy, but we can provide that.

A Yes, it is. It would be very difficult to read, yes.

Q This Exhibit is for the academic high schools in

Brooklyn, the previous one was for academic and vocational high schools in Brooklyn?

A That's true.

Q Defendant's Exhibit X, would you identify that, please?

A From the same source, and it deals with the combined total academic high schools for the Borough of Queens, for the years 1957 to 1967 and on the second page from 1968 to 1971.

THE COURT: Wait a minute now. That's Queens.

THE WITNESS: That's right, sir.

THE COURT: Academic?

THE WITNESS: Academic only.

Q Now, for Defendant's Exhibit Y, I would refer you actually to the bottom two lines and explain what they are, the only reason I stress that is the lines above that have already been put into evidence in the other document. This is to bring it up to date.

A Its again from the same source and dealing once again with school population and ethnic distribution and it's entitled 1972 composite. The significant figures here are the last two entries which cover the Queens academic high schools in summary, and the Brooklyn academic high schools in summary for the year 1972.

Q So this brings the previous two documents up to date?

A That's right.

MR. GOPSTEIN: I would like to offer this in evidence.

THE COURT: Offer the set of U through Y?

MR. GOPSTEIN: Excuse me?

THE COURT: The set of exhibits for identification?

MR. GOPSTEIN: Yes, Exhibits U, V, W, X and Y.

MR. TODEL: I have no objection, your Honor.

THE COURT: Received.

THE WITNESS: I would have to correct my statement with regard to Exhibit U. I did not indicate that it continued on page two, through 1971.

THE COURT: That's --

THE WITNESS: That's the academic high schools.

THE COURT: Which year, which exhibit?

THE WITNESS: That was Exhibit U which had given the statistics for the academic high schools for New York City and I had indicated it went from 1957 to 1967.

THE COURT: But actually it conforms to the pattern established by you and in W and X?

THE WITNESS: That's right.

Q Dr. Zack, addressing your attention to Exhibit --

THE COURT: Have you got an extra set of that -- I mean for both of us, because after all, you are in the case.

MR. TODEL: I haven't received copies of others and I was wondering if the Corporation Counsel could make them available to me of other exhibits that haven't gone in?

MR. GOPSTEIN: I will make that available to him.

THE COURT: I understand there is one column that's supposed to be illegible. Is that in the Exhibit?

MR. GOPSTEIN: I believe that's in Exhibit U, the second page.

THE WITNESS: It can be made out, your Honor.

THE COURT: Let's bring it in together, then, because should this ever have to be reviewed by someone else, we would know what we are doing. You have the master?

What I have is "Board of Education, New York,

Central Zoning Unit. School population, ethnic distribution Division AH."

That's AHS?

THE WITNESS: Yes, sir.

THE COURT: The next line is "(Composite ...")

Is that the word?

MR. GOPSTEIN: That's it.

THE WITNESS: That's what it is.

THE COURT: Next is "city-wide."

THE WITNESS: Yes, sir.

THE COURT: Are you inking it up?

THE WITNESS: I am, sir.

THE COURT: That will be good.

And 1968, 235, my copy seems to say.

THE WITNESS: Yes.

THE COURT: Well, 876, 376.

MR. GOPSTEIN: I think 876.

THE WITNESS: It looks like an eye chart in a doctor's hospital.

THE COURT: Next one, 59 506; is that right?

THE WITNESS: That's right.

MR. GOPSTEIN: Yes.

THE COURT: Next one, 31 285.

MR. GOPSTEIN: I believe so.

THE COURT: Would you make it out, Mr. Zack?

THE WITNESS: Yes, I do.

THE COURT: The next one is --

THE WITNESS: I read that as 115085.

MR. GOPSTEIN: I think it would have been 45.

THE COURT: Yes, determine that by subtraction.

MR. GOPSTEIN: First two figures would be 90,000, plus 145,000.

THE COURT: That's what it looked like to me as 145.

145 -- something 85.

THE WITNESS: I would say 085, wouldn't you?

MR. GOPSTEIN: If we can add these figures up, I think 085 would make all the figures add up.

THE COURT: Now then, Negro would be --

MR. GOPSTEIN: The 26th.

THE WITNESS: I would make it 25.2.

THE COURT: Yes, I would argue for 25.

MR. GOPSTEIN: Yes, it would add up that way.

THE COURT: It shouldn't be, though, because if it -- now, wait.

MR. GOPSTEIN: I think it would add up to a hundred percent.

THE COURT: Yes, but I was looking at fifty nine five into 235.

MR. GOPSTEIN: Which --

THE COURT: Four nines are 36. Four fives are 23. See what I mean?

THE WITNESS: Yes.

On the other hand if we made it 240 and Negro 60, it would come to 25%.

MR. GOPSTEIN: I think the three figures are for personal -- of twenty five two, thirteen three, which would make it 38.5 percent and 61.5; which together would be a hundred percent.

THE COURT: You say it's 25.2?

MR. GOPSTEIN: Then, 13.3.

THE COURT: 13.3?

MR. GOPSTEIN: And 61.5.

THE COURT: And 61.5.

Now, is that the only materially mutilated one that you noticed?

Oh no, let's look at it.

THE WITNESS: I think there are others, your Honor. Exhibit W seems to be present a problem also.

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THE COURT: Now, this is "Board of Education, City of New York, Central Zoning, school population ethnic distribution, academic HS."

Right?

THE WITNESS: Yes.

THE COURT: "(Composite ...)"

Next line, "Brooklyn..." Right?

THE WITNESS: That's right.

THE COURT: Now, 1968, 84335; is that right?

THE WITNESS: I would say so.

THE COURT: Now, my Negro number I scarcely --reads 21 blank 51.

THE WITNESS: I would say 21 651.

THE COURT: Oh, yes, 21, 651.

9420.

THE WITNESS: That's what I make it.

THE COURT: 53244.

THE WITNESS: I would think so.

264, I would think.

THE COURT: 53264.

25.7.

THE WITNESS: Yes, sir.

THE COURT: 16.2.

THE WITNESS: I can't make that one out at all.

THE COURT: What's that?

THE WITNESS: I can't make that one out at all. It's either 6.2 or 16.2.

THE COURT: Can you see it?

MR. GOPSTEIN: I cannot. I'm trying to figure the percentage out from the numbers.

THE WITNESS: I would lean towards 6.2.

THE COURT: 8 to nine, 84 into nine, would be 11 percent; wouldn't it?

MR. GOPSTEIN: It might be 11.2.

THE WITNESS: 11.2, yes.

THE COURT: This says .1.

MR. GOPSTEIN: I think it would be 61.1, just adding the figures up. No, no. This would be more. I'm sorry.

THE WITNESS: Wouldn't it be 63?

THE COURT: It should be 63.

MR. GOPSTEIN: 63.1.

THE COURT: Yes.

That would be congruent with the pattern otherwise indicated.

Now, the rest are okay.

THE WITNESS: I think they are legible. Although, just barely.

THE COURT: Now, let me just look at ther- quickly. Now, the top one is you, the next one is a single page V.

MR. GOPSTEIN: Yes.

THE COURT: The next one is two pages, W. The next one is two pages, X; and the next one is the 1972 composite, a single page; right?

THE WITNESS: Yes.

THE COURT: O.K.

BY MR. GOPSTEIN:

Q Dr. Zack, addressing yourself to Exhibit U, could you tell us what the figures and the changing ethnic balance for the period included here indicate?

A There has been a progressive and almost a predictable change in the ethnic composition of the student bodies of our high schools. At one point I recall writing an article, your Honor, in which I said that at something between two and four percent per annum over a longer period of time. What we have here is the year 1957, at which time the population broke down in percent in the high schools as a whole, 9.3 for Negro, 4.6 for Puerto Rican and 86.1 for others.

As your eye runs down these columns, degree of progress is notable as it moves from 1-1/2 in the year 1960 and then begins to accelerate with considerable sharpness so when I

reach the year 1963, the jump in the others as compared with Negro and Puerto Rican is in the dimension of 3 percent; which then becomes almost 5 percent; which then becomes 5-1/2 percent; which slows down to 2 percent and continues another 2 percent.

Again, approximately 2 percent and then it continues on at the rate of about 3 percent and 2 percent. So that when you get to the year 1971, by comparison with 1957, we have moved from percentages of Negro, 9.3; Puerto Rican, 4.6; others, 86.1; to percentages of Negro, 31.0; Puerto Rican, 15.7 and others, 53.3.

Q Are you familiar with whether the '72 figures which are not included here have shown a continuation of this trend?

A Yes, they have.

Q Now, I ask you to turn to --

THE COURT: Now, that would be as Exhibit Y? No, that's just Queens. Do we have a '72 city-wide?

MR. GOPSTEIN: I don't think we have introduced similar sets of statistics for '72, although I believe that Mr. Anker testified to the fact that the overall population of New York high schools have dropped below 50 percent, others,

for 1972. I believe he stated these figures have not yet been released, but these were the '72, '73 figures.

THE COURT: Now, this does not, I take it, exactly parallel changes in adult population?

THE WITNESS: It does not.

THE COURT: But it's generally congruent with that?

THE WITNESS: It would be my impression, your Honor, that the adult population has not changed quite as dramatically, as well as the school population. There may be some factors which may be conjectural. Some of them would be related to the leaving of the public schools in the city who are "others." The other would be the higher birth rate in the Negro and Puerto Rican community. So that you would have in the schools, compared with the adult population, a distinctive proportion of the students in the schools themselves on an ethnic basis.

THE COURT: Would there be any -- are there any data which indicate that in part, these figures which deal with various mixes of secondary

schools, would reflect more persistence in schools among the Negroes and Puerto Ricans than in 1957, that is, who were "drop-outs"?

THE WITNESS: I think it would be possible to demonstrate that, your Honor.

THE COURT: There might be some of them?

THE WITNESS: I think it would be possible to demonstrate it. But, intuitively, I would agree with you completely. There's another factor with regard to the other problem. What we have been having I think is a change of populations in the white community where I think people with families have gone to the suburbs. Where adults with families who have grown up have come back to the city. It's a phenomenon that I don't think I could provide data for, but I'm aware of it on a personal level.

THE COURT: Then, you have the, "private school escape," if you want to call it that.

THE WITNESS: Yes, if you want to call it that.

(Continued on next page.)

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Tape #2
AM/elc

Zack-direct

Q Dr. Zack, I ask you to look at Exhibit Z; would you identify the distribution figures for academic and vocational high schools in Brooklyn, covering the years 1961 and then 1967 through 1971, and could you tell us what those figures indicate, and in what trend we find it in?

A Yes. This chart repeats in general the same data with regard to Brooklyn, and it introduces one factor which might be somewhat distracting, and that is the entrance of the Vocational High Schools into this picture. If we take them all together and examine them for trend once again, this pattern, a dramatic change in the ethnic distribution in the senior high schools, be pointed out. If we compare the figures of 1961. If we look at it, you find that the Negro population represents a 12.1 percent of the student population; Puerto Rican, 5.8 percent; and the others represent 82.1 percent. There is a hiatus in this data until 1967.

The Negro population, percentagewise, is now 24.6; Puerto Rican, 13.5; and others, 61.9. If we move to the area of ultimate comparison, the movement begins to take on the same quality as ones revealed in the other data, except, if anything, it has moved more rapidly, so that others changed by almost three percent by 1968; by 4 percent by 1969; approximately by 3.5 percent by 1970, and by some what less than 3 percent in 1971 and in 1971, the comparative figures therefore are 34.7 percent for Negroes; 16.4 percent

for Puerto Rican and 48.9 percent for others, and they are now a minority of the total.

Q And looking at it, Exhibit W, which is the Brooklyn figures, but just for the academic high schools?

A Yes. Looking at 57, we find that the Negro percentage is 7.4.

THE COURT: Which?

THE WITNESS: This is Exhibit W, sir.

THE COURT: Yes.

THE WITNESS: And what we have here now is a more comparable figure, in that it restricts itself to the combined academic high schools, which where we began with Exhibit U, in 1957.

The Negro population was 7.4; Puerto Rican, 2.4; and the others, were 9.2.

Following our pattern of before, we find that the change in '58 is one percent fewer, approximately. A half percent in '59. All of these in declining measure.

Similarly, a half percent and almost one and a half percent in 1961.

MR. TODEL: If the Court pleases, just in terms of time, it's in evidence already and

just saying one-half percent and repeating it for each year, it's just repeating what appears on here.

If he has any statement to make with reference to it, just to read from the exhibit. It is in evidence, your Honor.

MR. GOPSTEIN: Well, the witness is attempting to indicate a trend. Of course, the figures are there. They speak for themselves. I think Dr. Zack is trying to indicate the rate of growth of the trends, which would perhaps not be immediately apparent from the documents.

THE WITNESS: If I may comment on that, your Honor?

I think what we observe as we move down the scale is a sudden and rather dramatic acceleration than the subsequent years, so that the half-percentage and one percentage movement begins to come into the order of as much as six and five percent, and three and two percent, and continues in that order, right into 1971, by which time the percentages of Negro and Puerto Rican as against others

Zack-direct

are 41.1 percent for Negro, 13.3 percent for Puerto Rican, and 52.5 percent for others.

BY MR. GOPSTEIN:

Q I ask you to skip a document, and look to Defendant's Exhibit Y for the 1972 Brooklyn figures?

A In the year, 1972, that percentage has shifted by 2.5 percent, so that it's now 36.5 percent for Negro, 13.4 percent for Puerto Rican, and 50.1 percent for others.

THE COURT: Which one is that?

THE WITNESS: That's on Exhibit Y, sir, the last one.

Looking at the bottom figure.

THE COURT: This is Brooklyn?

THE WITNESS: Brooklyn, yes.

BY MR. GOPSTEIN:

Q Now would you turn to Exhibit X; would you identify the academic high schools in Queens and the ethnic population distribution for that borough; could you tell us what the figures are at the beginning of the period covered here, for the other population?

A Yes, well, the Negro, 5.1; Puerto Rican, 0.7, and others is 94.2.

Q Could you turn to Exhibit Y for the 1972 figures?

am/td 2

A That has gone to 26.1 for the Negro, 4.6 for the Puerto Rican and 69.3 for the others.

THE COURT: Just a minute.

Really on Y, all we are interested in is the last two lines, since the schools that are individually listed, are not of particular relevancy to the present case.

MR. GOPSTEIN: Actually, your Honor, this was prepared, --

THE COURT: Prepared for the purpose, I take it?

MR. GOPSTEIN: These figures we already have in evidence in the Plaintiff's Exhibit for the individual schools. Each of the Queens high schools.

THE COURT: In six or seven?

MR. GOPSTEIN: I think 6 or 7, and which carried it up to 1971, too. These figures and the more complete figures can be found there.

THE COURT: Yes.

BY MR. GOPSTEIN:

Q Dr. Zack, we don't have figures from Bronx or Manhattan, but from your knowledge of the situation there in the past ten years or so, would you say that the figures are

similar, the trend that you have described, would they be the same there?

A They are. I think in the instance of the Bronx, they may be even more dramatic.

MR. GOPSTEIN: Can I have this marked for identification?

THE CLERK: Defendant's Exhibit C for identification.

(So marked.)

Q Dr. Zack, you have before you a document entitled -- which has now been marked Defendant's Exhibit C for identification.

Would you describe what it is?

A This describes, this document describes the Brooklyn high schools for the Fall of 1971, indicating the register, the percentage of utilization and the population distribution on a school-wide average and also by grades.

Q What is the date of this?

A 10/71, October, 1971.

Q This would be for the beginning of the '71 school year?

A That's right.

MR. GOPSTEIN: I would like to offer this in evidence.

THE COURT: What accounts for the relatively low utilization of Brooklyn Tech?

THE WITNESS: Brooklyn Tech is a huge high school, your Honor, and it is also a school which is by special admission, by an examination. If one were to spend its utilization as acutely as would normally be indicated, you would be removing from the other high schools, increasing number of competent students.

Nevertheless, because of the fact that it was below one percent utilization for the coming year, Brooklyn Tech was directed to admit more students to bring its utilization up to a more reasonable figure. So that that 95.1 will be higher in 1972, by direction.

(Continued on next page.)

DIRECT EXAMINATION

BY MR. GOPSTEIN:

MR. TODEL: I have no objection to Exhibit Z, your Honor.

THE CLERK: That's now Defendant's Exhibit Z in evidence.

(So marked.)

BY MR. GOPSTEIN:

Q Now, this --

THE COURT: Just a minute. The same thing is true with respect to Dewey? Is that right?

THE WITNESS: Dewey at this particular point, your Honor, was conceded to be a school that was not togo over a hundred percent. That was part of the pattern, as I tried to point out yesterday. And it had notyet reached its full registration,or did it? It may have at that particular time.

I think we finally got our third-year group in there but the design of this school indicated that it was to stay at a hundred percent or below.

However, I think if we look into this

year's figures you will find it will be closer to the hundred percent than this figure is.

BY MR. GOPSTEIN:

Q You have told us, Dr. Zack, that these figures indicate the breakdown of negro, Puerto Rican and Others by grade, 10, -- 12, 11, 10 and 9, for each of the high schools for the years 1971, '72, as of October of that year.

I ask you now to look at the percentage of Others for the entire borough, for the 12th grade and could you tell us what that figure is?

A It's 64.1.

Q If you then go --

THE COURT: Just a minute. I missed the point.

THE WITNESS: That would be for the academic highschools.

MR. GOPSTEIN: At the bottom we have the vocational high schools. I was directing Dr. Zack to the column under "12", where it says, "O". And that figure is 64.1 percent. 12th grade, as an average Others.

BY MR. GOPSTEIN:

Q Now, I direct your attention three columns to the right, to the percentage of Others in the 11th grade of

the academic high schools.

Could you tell us what that figure is?

A 55.9 of Others.

Q Could you look three columns over to the right for the percentage of Others in the 10th grade of the academic high schools, what is that figure?

A That percentage is 42.2.

Q I'm afraid you went one column over.

A Yes. 49.8.

Q 49.8?

A Yes.

Q And if you look further over, another three columns to the right, what is the percentage of Others for the 9th grade of the academic high schools in Brooklyn?

A 41.5.

Q Would you describe this as a rather sharp trend?

A Yes, it is. And the case of the 9th year, the tendency is for us to have more intermediate schools than junior high schools and they tend to be located in the minority areas so that that figure would tend to be more loaded in the direction of negro and Puerto Rican.

THE COURT: Wait a minute now.

Could you read that answer to me, please.

(Record read.)

THE COURT: I don't follow that. It would seem to me it would be exactly the opposite. In other words, as I see this, in the academic high schools listed, 40 percent of the 19 -- 41 and a half percent of the 1971 entering class that I take it were counted a month or three weeks after school started, two or three weeks after school started, was 42 percent negro?

THE WITNESS: Yes.

THE COURT: If they had been in sec-- in intermediate schools or junior high schools, it shouldn't be so many of them in the academic high school.

Now, what I see is that the percentage then goes down year by year, from 42.2 to 35.8 to 32.1, to 26.3 negro.

THE WITNESS: Yes.

THE COURT: So that when you get to the 12th year, the composite for the academic high schools of Brooklyn is 64.1 percent Others, 9.6 percent Puerto Rican, 26.3 percent Black.

Now, we don't have the -- let's see.

We don't have that comparable figure in Exhibit Y. That's 72 combined -- atomic -- academic high school composite in Brooklyn, 1971, and that would really be the same numbers that we are dealing with in the upper panel of Exhibit Z.

We have overall 34.1 Negro, 13.3 Puerto Rican and 52 and a half percent Others.

Now, that would sound as though there had been a steady infusion of intermediate and junior high school white students. Now, let's look at the comparison of the 11th and 12th years, when the feed is -- should not affect the trend of the numbers, if you can speak of the trend between two co-existing years, class years, school years, grades.

In the 11th year, we have 55.9 Others and in the 12th year, 64.1 Others. We have had a drop of over five percent in Negro students, from 32.1 to 26.3, and a drop in the order of 2.4 percent for the Puerto Rican students from 12.0 to 9.6.

So that the general picture presented, if there were no intermediate, if there were no

differential in intermediate and junior high school feed, but the feed was exactly congruent with the receptor school, the lesson would be that there are different survival rates in school. And not that there is a different input.

THE WITNESS: I think I should explain to your Honor that an intermediate school terminates in the 8th grade. Therefore, the students arrive in the high schools in the 9th year.

THE COURT: Yes.

THE WITNESS: Whereas, the junior high school goes through the 9th year and therefore, they arrive in the 10th year.

THE COURT: They arrive in the 10th?

THE WITNESS: That is right.

Therefore, if most of your -- if your intermediate schools are largely in minority areas you will be getting a 9th year group of students who are particularly sharply minority youngsters.

THE COURT: So that you would expect the sharpest contrast on this analysis between

the 9th and 10th years?

THE WITNESS: It would be, yes.

THE COURT: Let's see about that.

THE WITNESS: There is still another --

THE COURT: There are 8 percent -- no. It doesn't work. It doesn't work because we have an 8 percent increase in Others between 9th and 10th.

THE WITNESS: That is right.

THE COURT: And a six and a half percent, 6.6 percent drop in Negro. And a 1.7 percent drop in Puerto Rican, whereas it should go the other way if we are getting a heavier feed from junior high schools located in ghetto areas.

THE WITNESS: Junior high schools will be fewer in ghetto areas.

THE COURT: Fewer?

THE WITNESS: Fewer, yes, because the intermediate schools will be more numerous in the ghetto areas.

THE COURT: In other words, the junior high school phenomenon is a middle-class neighborhood phenomenon?

THE WITNESS: It would tend to be.

THE COURT: Tend to be?

THE WITNESS: Yes. In general, yes. I think there is another element that you need to put into it, your Honor, in order to see how these figures grow and that is that each year there are fewer Others coming in in total numbers as we demonstrated by the Others charts.

So that it isn't possible to compare the 12th year in any year with the 10th year, let us say, which would be a composite area and say that these two are comparable figures because they are not really.

They are two years apart and they may be as much as, by these figures, a difference of 5 or 6 percent in the input.

THE COURT: In other words, without having such charts as this for every preceding year --

THE WITNESS: That is right.

THE COURT: -- we would not be able to divine the effect on any one year --

THE WITNESS: That is right.

THE COURT: -- of the systematic withdrawal

of the Others from the system?

THE WITNESS: Yes, that is right.

THE COURT: The trend of -- toward withdrawal from the system of the "Others" --

THE WITNESS: That is true.

THE COURT: -- classes?

BY MR. GOPSTEIN:

Q In other words, Dr. Zack, if the -- you have indicated that the composite figures for the borough for the City have gone down by 1, 2, 3, 4 percent in any one given year but if we were to look at the entering classes it might be, as this would indicate, a much sharper difference?

A That is right.

Q That is accelerated?

A That is right.

THE COURT: In other words, looking at our composite chart, the one thing that we don't know about year 12 is what the entering composition of the year 12 class was, and if we believed the trend figures, it would have been a different ratio than 42 to 16 to 41?

THE WITNESS: Yes.

THE COURT: I am sorry. It would have

been -- yes, that is right. Different ratio than 42, 16 to 41?

THE WITNESS: That is right.

THE COURT: And would have been one in which the 41 was higher?

THE WITNESS: Yes. Moreover, however, if you wanted really to get a picture of the total composition of that high school, as it ultimately would develop, you'd have to go to the 10th year when you have both your 9th year input and your 10th year arriving.

THE COURT: Yes. But we do not have the data for that comparison.

THE WITNESS: Not at this point, no.

THE COURT: No.

BY MR. GOPSTEIN:

Q Dr. Zack, you've indicated based on these figures a diminishing Others population as we get to each later year that has come into the school.

Taking into account some of the variables that the Court has pointed out, but -- a diminishing white population, I direct your attention to the figures on this chart for Franklin K. Lane High School.

A Yes.

Q Now, could you look first for grade 12 for Franklin K. Lane High School?

A Yes.

Q And tell us what the Others population is?

A 38.6.

THE COURT: Just a minute. Let me find Lane. Yes.

BY MR. GOPSTEIN:

Q 38.6 percent of the 12tn Grade is white?

A Yes.

Q Could you look to the 11th Grade and tell us the white percentage there?

A 27.9.

Q And over to the 10th Grade?

A I make it 19.3.

THE COURT: What is that number? 18 or 19?

MR. GOPSTEIN: I guess 18.

THE COURT: Do you think it's 18?

MR. TODEL: Yes.

It adds up to 100 then.

THE WITNESS: Right. Yes.

BY MR. GOPSTEIN:

Q I ask you to look at the figures for the

9th Grade and tell us the Others population there?

A 25.0.

Q Now, does this pattern appear to conform to the City -- to the borough-- to be a boroughwide pattern that you described before?

A No, it is different.

Q Could you tell us in what way?

A It seems to be more than what one would anticipate for Others.

Q In the 9th Grade?

A Yes.

Q In other words, the figures indicate a higher percentage of the Others in the 9th Grade than there are in the 10th Grade of Lane?

A Yes.

Q You indicate that the boroughwide figures have gone down consistently from the 12th to the 9th Grade?

A That is right.

Q Could you attempt to explain what you feel is the reason for this increase in whites in the latest year to enter Lane as of -- this was October, '71?

A The two big feeders out of Ocean Hill-Brownsville, IS 271 and IS 55, were schools which in 1971 were given options for open admission into the South Brooklyn

sector.

THE COURT: In what year?

THE WITNESS: '71.

I think this would indicate that many of them did take that option and that therefore, fewer Black and Puerto Rican youngsters arrived than one would anticipate ordinarily.

MR. TODEL: If the Court pleases, I haven't really objected to specifics, but I think we should have the specific information.

This is just a general opinion of Mr. Zack as to why there has been an increase. There may be other reasons for the increase in that particular section. But the Board of Education has the facility to produce the figures with reference to those children who opted out, with reference to those who went to the opting out school.

And merely giving an opinion which is not based on any facts at all in the record here, other than his opinion that something may have happened, that is not --

THE COURT: No. It isn't a question of something may have happened. Something did

happen. What was the year in which we had 455 students --

MR. TODEL: That was in 1969, your Honor. And this -- in 1970 -- in '71 there were approximately 150 or so.

THE COURT: 155 or 7.

MR. TODEL: That is of June of 1971.

THE COURT: Yes. That's the only number we have to go with.

MR. GOPSTEIN: Based on the evidence that we have here, we have at least the information that at least -- approximately 150 or 55 took the option to go elsewhere and that these are in an intermediate school and Dr. Zack has testified that an intermediate school is to the 8th grade.

THE COURT: Well, what I take it that the testimony comes to, and this much of substance there is in what Mr. Todel has said, that in looking at these figures we should bear in mind the option program, with respect to which we have a specific number in the record.

Is that right?

MR. GOPSTEIN: Yes.

THE COURT: Now, that option program, however, had its influence on the 10th year class, because the option program had been in effect in that year and had had its effect on the 11th year class.

MR. GOPSTEIN: Perhaps Dr. --

THE COURT: Since the program had been in effect for that year as well.

Now, had it been in effect for the 12th year, I guess not.

BY MR. GOPSTEIN:

Q Well, the -- I think, Dr. Zack, if we can -- maybe clarify this.

The intermediate school you said terminated at the 8th grade?

A That is right.

Q In other words, IS 271 and 55, which had been in --

THE COURT: It's 55K, isn't it?

THE WITNESS: Yes. Both are in Brooklyn.

THE COURT: That means Kings?

THE WITNESS: Kings, that is right.

BY MR. GOPSTEIN:

Q Those two intermediate schools which had been

feeder schools into Franklin Lane --

THE COURT: Have been and are.

MR. GOPSTEIN: Have been and are.

Q -- assuming no open admissions option available to any of those students, when they had finished their 8th Gradein June 1971, which school would they have gone to in to the 9th Grade?

A Franklin K. Lane.

Q And if they had taken the option in the numbers indicated, would that have reduced the number of Blacks in Franklin Lane by the number -- by the numbers who obviously opted out?

A Yes.

MR. GOPSTEIN: So I think this is what Dr. Zack was indicating as to the effect of an intermediate school on these figures.

THE WITNESS: As compared with the junior high school, your Honor, which would be feeding in in the 10th year.

THE COURT: Well, how do we explain what happened between the 10th and 11th years? There we have only general trends to explain that; is that right?

THE WITNESS: In part.

THE COURT: What?

THE WITNESS: I think so, your Honor.

MR. GOPSTEIN: In other words, I think the testimony has indicated that in the other years, the trend seems to conform to that of the boroughwide averages.

We seem to have a divergence in the 9th-10th year trend and I think the testimony the Dr. Zack has given is one plausible explanation for it.

THE COURT: Well, you see, 27.9 to 38.6 or 18.3 to 27.9 are not, I suppose, really comparable to 49.8 to 55.9 and 55.9 to 64.1. They reflect an exaggerated --

MR. GOPSTEIN: These are the borough --

THE COURT: --effect of the borough, boroughwide effect?

THE WITNESS: Yes.

THE COURT: Anyway, this is a problem in complex variables, about which I know nothing.

MR. GOPSTEIN: I don't think I can supply any enlightenment on that in specifics but I think the -- if the -- well, if the trend

had continued, as indicated boroughwide, one would have expected that the Franklin Lane figures would have gone down perhaps another five percent.

THE COURT: Yes. But I think what we are interested in, I suppose at this point, would be something that we really have not discussed at all, and that is differential performance within the school in terms and including persistence in school, in relation to what has been said about the academic achievements at entrance of the children coming to the school from the feeder schools of Franklin K. Lane.

Now, it would be unsurprising if the -- what is it, 23.7 percent, which met the minimum standard, which were above the median or whatever it was, showed the highest persistence in Lane, persistence to graduation, etc., and unsurprising if it turned out that they came from the middle-class neighborhoods, such as they are, in the Franklin K. Lane District.

It would be surprising if the ones who were in the 70 percent of the entrance class who did not meet the minimum proficiency standard

or whatever it was that we are talking about reflected the highest number of transfers to vocational school and straight transfers to the working population, without persistence to graduation and that -- quite without reference to color, with reference to entering achievement level.

Of course, the task of Lane, I suppose, and maybe it's the task that, with the resources that can be made available to it, is a Sisyphean task, an impossible task, is to deal effectively in terms of effective education with the population that it gets.

That's what we have been talking about in terms of what Mr. Zack covered in his testimony yesterday and the analysis of the profile figures showing the degree of position supplementation lavished on Lane.

All of these things are, it seems to me, very important factors in underlying the comprehension of the componental meaning of such a chart as Defendant's Exhibit Z.

It isn't simply demographic. It would seem to me to be pretty meaningless unless we

know what population shifts there were between the academic high schools and the vocational high schools, if any, that used to be allowed in my time.

I don't know whether it still happens. Because my time was a long while ago. I think I got out of Boys High School in 1925. That's some time back.

THE WITNESS: You approximated my brothers.

THE COURT: Now, it would also indicate the number of students and the almost certain differential in composition of that group, number of students who transferred to the working population. It might include those who without transferring to the working population sought other means of continuing their high school education, not excluding the few who I guess still go in the night.

Although that class, I guess, is not very numerous anymore.

THE WITNESS: It is, your Honor.

THE COURT: It's what?

THE WITNESS: It's quite a substantial program.

THE COURT: Well, I realize it's a substantial program, but probably not statistically very significant.

THE WITNESS: Yes.

THE COURT: For our purposes here. Particularly if we are dealing with yet in terms of people who have not yet regreted school leaving and have had two or three years in which to decide that they should have stood in school.

But all these things, it seems to me, lie in back of this and make over simple conclusions from it a little bit dangerous.

Don't you agree?

MR. GOPSTEIN: I don't agree, your Honor.

THE COURT: You don't have to agree with a blessed thing. You are counsel.

MR. GOPSTEIN: No. I would just observe that while perhaps in looking at the differences, from 12 to 11 to 10, there may be many other variables other than simply, well, as your Honor suggested, the percentage of the class when it entered the school, might be very different than what it is now.

There is no question about that. But I--

THE COURT: Well, for example, we don't have any correlation between those who got --got graduation certificates and the data on the entering achievement tests and reading level tests.

What percentage of those who were reading more than two or more years below grade at entrance received their certificates at the end of four years, as compared with those who had the opposite entrance experiment -- experience?

THE WITNESS: We don't have such data, your Honor.

THE COURT: Perhaps mercifully.

THE WITNESS: It would be desirable, as you are pointing out, to have it, but the sheer weight of the problem of checking such data and making it relevant is --

THE COURT: I understand that. There is the record of the company whose profit keeping records were so perfect and complete that they consumed all of the profits and it became bankrupt, although statistically brilliant.

THE WITNESS: We are constantly being

pressed by the people in the schools to reduce the amount of requests we make for data. They regard teaching as more important than providing data and I am afraid I agree with them.

MR. GOPSTEIN: You couldn't have this trial without that.

THE COURT: No. I think that's one real reason for using sampling. You see, when you can do that, you don't impose an enormous burden, but then you just transfer the arena of controversy to the area of how random was your sample?

MR. GOPSTEIN: I have no further questions.

THE COURT: We will have a short recess.

(Recess taken.)

(Continued next page.)

CROSS-EXAMINATION

BY MR. TODEL:

MR. TODEL: May I proceed, your Honor?

THE COURT: Yes.

Q Mr. Zack, I believe yesterday you stated that you were the Assistant Superintendent in charge of high schools and you were there -- in that position for approximately three years or so; is that correct?

A That is right, Mr. Todel, yes.

Q Are you still employed by the Board of Education?

A I'm on retirement leave right now, Mr. Todel, as of June 30, 1972.

Q I see.

Prior to your being Assistant Superintendent in charge of high schools, what was your position with the Board?

A I was assistant superintendent also in the high school area, from a period of about -- I said appointed assistant superintendent from 1965 on and prior to that time as an acting assistant superintendent for about three years.

In the interim that you are referring to, prior to taking over the high schools, when they were recentralized

under the decentralization law, I was serving as a Special Assistant to the Superintendent of Schools handling a number of projects of various kinds and eventually just before I took over the high schools, I was given the particular assignment of handling the State Urban Education monies, which were being provided by the State Legislature for the purpose of helping disadvantaged youngsters.

Q I see.

And I was just wondering, I don't think it has come out during the course of the testimony, is there any legal age at which a child or a student must go to school here in the City of New York?

A They must attend until the age of 17. He may attend until the age of 21.

THE COURT: He must attend through --

THE WITNESS: To the age of 17, sir.

THE COURT: Until his 18th -- the 18th anniversary?

THE WITNESS: The 17th anniversary.

THE COURT: Until --

THE WITNESS: That's subject to some modification in that he may leave at the age of 16 legally if he goes into employment. Has a working certificate.

BY MR. TODEL:

Q I see.

Now, say, for example, Mr. Zack --

THE COURT: What year of high school would that be?

THE WITNESS: Well, assuming that he graduates at 18, we could work our way back to 17 would be the 11th year and 16 would be the 10th year.

BY MR. TODEL:

Q In other words, a child here in the City of New York must go to school until the age of 17 unless he obtains working papers at the age of 16; is that correct?

A That's right.

Q Now, when a child graduates, for example, from IS271 or JS 55, or the junior high schools in the ghetto area, and if that child is reading three, four, five years below grade level, must that child go to high school, under the law?

A Yes.

Now, there is --

THE COURT: He must continue in school.

THE WITNESS: Yes.

I think, your Honor, to give you background in this area --

Q May I?

A Surely.

Q I just want to follow a train of thought on that.

A Surely.

Q In other words, then, if a child is reading a number of years below grade level when he enters high school, that high school must accept him; is that correct?

A That is correct.

Q Cannot refuse to accept him?

A Except under circumstances I must explain to you.

Q All right. Under what circumstances?

A A youngster must read, I believe, the grade level -- and I'm going to have to reach for this one, it would be approximate.

Q 5.8?

A 4.5.

Q 4.5?

A I believe so. In order for him to be able to enter high school at the point of graduation.

THE COURT: What does that mean now?

THE WITNESS: What is that?

THE COURT: He must read --

THE WITNESS: 4.5. I would like -- I

would like -- I would like to make that a comparative figure. It may be 5.0, your Honor, but it would be in that range.

And in order for him to graduate and enter high school, he would have to be able to read at that grade level or if he did not read at that grade level he must be retained for one year in the feeder school. After which if he reaches the age of 16, he must be admitted or he must be retained.

BY MR. TODEL:

Q Let me -- if I understand you correctly then, Mr. Zack, then if a child does not read -- reach a certain reading level, he must be retained by the IS school or the junior high school?

A Unless he reaches the age where he would be 16 by December in the year that he would enter high school.

Q In other words, are you saying that it is the policy of the Board of Education for children in junior high schools or intermediate schools to retain them for more than one year?

A One year only.

Q One year only, and they still do not reach this level that you mentioned, they must then go to a high

school?

A That is right.

Q If they are under age?

A Yes.

Q Now, I believe you used a very descriptive word yesterday and where you stated that you felt that you may be considered part of a superstructure of the Board of Education; is that correct?

Did you use that term?

A I may have. I don't recall.

Q I see.

Now, is it your belief and possibly the belief of the superstructure that every child attending a school or a high school should be given a realistic opportunity to be educated; is that your belief?

A Indeed, it is.

Q I see.

Has the Board of Education set certain standards to implement programs so that a child shall have a realistic opportunity to be educated?

A I'm not sure that I understand your question, Mr. Todel.

Q All right. I will rephrase the question.

There has been testimony, for example, that

in October of 1971, the Metropolitan Reading Tests were given and that the results came out sometime in the Spring of '72 and that at Franklin K. Lane High School approximately --

THE COURT: What was the name of that test again? I shouldn't forget it.

MR. TODEL: Mental Achievement.

THE WITNESS: It's the M.A.T., Mental Achievement Test.

(Continued next page.)

AM flws.

Let me say to you that we have under the various funding arrangements, that we receive from the State and Federal Government which are targeted for this population. We have a remedial reading program which is available to the schools and which the principal has a right to apply for, which provide additional personnel, particularly geared at youngsters who are below grade in reading.

The school, likewise, has the right to propose programs for Title I monies and urban educational monies and may design its own programs directed to the problems which it feels it needs and in that category, if it makes a proposal of a program, that program will be received and examined and in light of the monies available will be scanned by a committee of parents and the monies will be allocated, if the program is well designed.

Q Mr. Zack, I just want to clear up one thing. There has been testimony with reference to the fact that the superstructure of the Board of Education --

A You're not going to hang me with that phrase, Mr. Todel?

Q I thought it was really a good one.

A All right.

Q -- feel that it is the responsibility of those who are in charge of a school, faced with a particular situation, to come up with meaningful programs; isn't that your feeling, too?

A Yes.

Q I see.

Let me ask you this, Mr. Zack: In many ways the problem which exists in Franklyn K. Lane exists in some aspects in other parts of the City of New York?

A Indeed they do, Mr. Todel.

Q We will go in a little further with reference to similarity or whether it's dissimilar, but they exist in other parts of the city and that you feel they do.

Has the Administration with all the technical facilities at their command made efforts to make students on their own, forgetting about the principal in Thomas Jefferson or Franklyn K. Lane or in George Washington and so on, has the Board on its own come up with plans, by using their expertise and their knowledge of many, many years of experience as to how to handle this problem?

A You're touching on a very delicate question, Mr. Todel, because we feel extremely limited in the available facilities at headquarters on an increasing level. That happens to be

my own personal painful moment, but I will pursue your question, of course.

We have a Bureau of English with a Director and a staff. All too few in number, but nevertheless people of competency who have been working in these areas, designing programs. For this purpose, when I told you about a remedial reading program, this is a program so it will serve as an umbrella relationship and it is supervised from the central headquarters and schools of youngsters who read poorly are invited into this program and supervision and supplies and materials come from headquarters to support these programs. Of course, we reach out.

Of course, you understand also, Mr. Todel, and you'll probably make the point for me, that in this continually decreasing amount of monies being made available, both on the State, City and Federal level, this is not a Garden of Eden, by any means.

Q I'm not questioning that, Mr. Zack.

A Yes.

Q Has the Board of Education or the Administrators in the Board of Education come out and stated publicly that they do not have a set of standards that they can realistically give an opportunity for children in certain schools to be educated?

A I don't follow your question, Mr. Todel. I'm trying to apply to it.

Q In other words, recognizing the fact as you have stated, there may be funds which are limited and there are funds which are limited for example in mental hospitals and in hospitals and so on?

A Yes.

Q Do you know whether or not the Board of Education or the administrators have stated that the task that is being given to the Board of Education as it's now structured is an impossible task? We are not educating groups of children here in the City of New York or in Franklyn K. Lane?

A I don't think we are doing anything like the job that needs to be done.

Q Have you publicly stated that?

A Of course. I don't think there is any question about it.

Q I see.

What type of program would you have for the school population of Franklyn K. Lane, as I describe, at least the entering population?

A If it be possible, Mr. Todel --

Q Not if it was possible. Do you have a program today, now, for the entering class of Franklyn K. Lane as I

described it to you?

A I've described to you the remedial programs available. I've described to you the extra funds which are available. I've described that this is a function to be performed by the administration of the school in targeting types of programs that it needs, that it can obtain the funds it needs.

I think you ought to know as we know that the high schools themselves are perhaps the most decentralized operation we have in the City of New York. We have a great deal of respect for the principals and therefore the level of autonomy they have is considerable.

Under the circumstances it is reasonable to say that programs fitting the needs of the schools should be designed in as much measure as possible at the point where the need is created and that does not obviate the fact that there should be support programs at central headquarters.

But the finger-in-the-mouth program for high schools is not a process that really is appropriate to the level of competency and the level of need and the level of decentralization provided by the high schools.

Q For example, Mr. Zack, I think you said was it public speaking or English?

A Both.

Q Public speaking or English were 70 percent and --

if not more, since some children did not take the test and entered Franklyn K. Lane High School and are in the 23 percent category of the state test.

How many children do you think should be in class, in Franklyn K. Lane High School, for that type of child?

A Are we going to look toward the optimum? Are we going to look toward Heaven, because I would tell you that one in a class per teacher would be the objective.

THE COURT: One to one relationship?

THE WITNESS: Yes. But, actually, to respond directly to your question, if it were possible, and I say that to you in the light of funds available --

Q Not in the light of funds available.

A Generally, when we try target programs in the remedial reading, they will run to the number of 10 to 15 in a classroom, if that's what you're asking.

Q Now, are there sufficient number of teachers at Lane for that type of program that you just described?

A No.

Q Now --

A Nor, of course, anywhere else in the City of New York.

THE COURT: Let me ask you a much broader question: In your judgment, you've been in the

schools as a teacher and in supervisory roles and to the extent that modern education -- well, leave out the word modern -- to the extent that we've learned how to educate one another, I sometimes think we haven't gotten very much past the Clerk of Oxenford and perhaps you can.

Is it your belief -- and I think this will tie in with what Mr. Todel has been saying, if the funds were available, are there programs existing in design which exploit the resources of modern educational skill that could be put on -- in track -- that could be got underway and which are just untried or inadequately used, because the money isn't there?

THE WITNESS: We're not as secure, your Honor, in how to really teach reading to the point where we can say that there are programs whose results can be predicted.

THE COURT: Well, I mean is that partly because of the theoretical controversies about a reading method and teaching method for reading and the theory that which -- of what we regarded 20 or 25 years ago as a brilliant new way of teaching reading, taught a great many people to

read with rapid comprehension at early age and a firm disadvantage of untold others who had genuine reading competency.

So, we have to go back and pick up the people who were the victims of method; but apart from that, and to make the best use you can of learning, as we have today, I take it there is no deficiency in skills and probable representation on both sides of every controversy within the resources of the Board?

THE WITNESS: I think we have a level of competency there with what's available and theoretical awarenesses that exist to provide programs that will be productive to a degree, yes.

THE COURT: Will they all succeed, that's the $64,000 question. Is education a success, which apparently is now being brought into the question.

THE WITNESS: They do make progress in a number of cases and they fail in others and you have to try other methodologies because not every particular method will work with every youngster. But we have a whole series of approaches in that field which have been used and others have

been added and new ones come along which are more than worthy of investigation.

There was, for example, a program called the, "Talking Typewriter," which was in effect using a computer to teach reading. While it was designed for young people, since this was one of the functions I had as Assistant of the Superintendent of Schools, years ago, I pushed in the direction of it being used with high school students. Our problem is that by the time the youngster hits the high school, he has had failures in reading. Therefore, in attempting to design programs for young people at that age, you must respect their maturity and not give them Jim and Jane books as a method of instruction.

So, that the attempt is to reach them on levels of maturity of thinking and implicit of language which will not offend them and the techniques of which will be different from what they have failed at in the past.

There is at the moment a new program that is being looked at with a great deal of interest by a man named Gattengo and that is being looked

at in one or two of the high schools as a possible after approach. It's being done right now in Brandeis High School where the principal became interested in it and got funding for it.

Therefore, the opportunity to make our people literate, which I think is the first demanding objective of education altogether is reflected in the guidelines which are directed to us in the use of Title I and urban education monies which are for disadvantaged students.

We have been given immediately three goals to achieve and no others. The money is being withdrawn from all other programs. One is to be directed to reading; another to arithmetical competency and a third for bilingual competency, to whom English is a second language.

In every program now being proposed in the utilization of money it is going to have to make these the priorities or they will be rejected on the same level. You can see the concern here and the concern is absolutely in the matter of reading.

THE COURT: Is that in part because reading is so important not only for furthering educational

progress but because it's now an increasingly indispensable living equipment that you can't live without reading?

THE WITNESS: It wouldn't be living, I don't think, your Honor.

THE COURT: In terms of how can you get a job, because you can't fill out an application?

THE WITNESS: That's right.

THE COURT: How can you shop, you can't look for any of the things that Mrs. Meyerson tells you to look for. How can you protect yourself at any level of existence today from public submergence without reading competency? It seems to me the answer is that there is no room any more for the shrewd illiterate of the past time; is that true or false?

THE WITNESS: I cannot say anything but agree with you, your Honor. I can see, for example that on the level of pure entertainment, one can watch the boob tube and be entertained without having to read, necessarily.

THE COURT: Well, I wonder.

THE WITNESS: To a degree. But, and I suppose if you turn to radio, it's all by auditory

communication. But certainly one cannot be economically effective and therefore, in turn, able to maintain himself as a person earning a livelihood without some competency in reading.

I would add to that, of course, computation.

THE COURT: That's the next thing.

THE WITNESS: Yes.

THE COURT: You'll never know what your salary is?

THE WITNESS: Yes.

THE COURT: It's beyond us, anyway, after the shattering remnant that we get.

THE WITNESS: It is a shattering experience. For the first time in a long time, I accompanied my wife on a shopping expedition. I found out what the prices were from what I read them the last time.

BY MR. TODEL:

Q Let me go one step further, Mr. Zack. In reference to Franklyn K. Lane High School, you know what the college-bound program is?

A I do.

Q There are about three hundred students who are in the college-bound program at Franklyn K. Lane?

A Yes.

Q They have one guidance person for each one hundred students?

A Approximately, yes.

Q And do you know what the size of their classes would be?

A They would be and you wouldn't exactly hold me to a number, but I would say roughly about 20, maximum.

Q In Lane, it's about 15?

A Maximum.

THE COURT: What is that?

MR. TODEL: Fifteen.

THE COURT: What?

MR. TODEL: Students to a class, in a college-bound program.

Q They have a double English period?

A If the program so calls for. It's not required as such.

Q There are about three hundred students in Franklyn K. Lane, in that program?

A Yes.

THE COURT: Three hundred?

MR. TODEL: Three hundred students.

Q Each year they take in only a hundred students

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in the program for a total of 300 in the school; are you aware of that?

A Yes.

THE COURT: They also have a step program there which has about 25 students?

THE WITNESS: Yes.

Q And you are also aware --

A I think I pointed out yesterday that's a school-to-employment program. It's a work-study program.

Q They have also towards upward mobility?

A Yes.

Q Approximately a hundred students in that?

A Yes.

Q You say they have homework helpers?

A Yes.

Q Who are they?

A They are youngsters in the school who come from a poverty base who are employed to help other students with their work.

Q Do you know how many there are at Franklyn K. Lane?

A I couldn't tell you.

Q You have a program there called School-To-Home Contact?

A Yes.

THE COURT: Now, wait a minute. What's that?

MR. TODEL: School, home contact.

THE COURT: Contact?

MR. TODEL: That's how it's listed in the profile.

THE WITNESS: That's a program, your Honor, which is designed to provide para-professionals who are generally indigenous people from the poverty area to make home visits to make closer contact between the school and the home.

By the way, all of these programsthus far detailed by Mr. Todel have been designed at headquarters.

Q And you had at one time, I don't believe you have now, auxiliary services; what was that, auxiliary services?

A The term is now used, applies to a program that we developed out of our sense of obligation to youngsters were were dropping out of school. It was our feeling that we did not give up our responsibility once they withdrew from school and that therefore we should make an attempt to bring them back once again into some kind of a schooling atmosphere

where we could try several things. One of which was to give them job counseling. Another one was to help them with reading and computation skill and the third of which was to try to bring them, if possible, to a diploma. Not the conventional diploma --

THE COURT: Equivalency?

THE WITNESS: Yes, your Honor. Equivalency diploma.

A (Continuing) The program has prooved to be so successful that our advisory committees have encouraged us to give them increasing amounts of money to operate. This is a Title I program.

Q How many students are there in the program? In other words, auxiliary services would have a separate building?

A It generally is at night.

Q At nighttime?

A Yes.

Q And about how many students are in that program for the Borough of Brooklyn, if you know?

A I couldn't tell you.

Q Would it be a hundred, 200?

A Oh, probably, $2,000.

Q Those figures are available?

A Yes, readily available. We have also, Mr. Todel, since you have mentioned the subject -- we're thinking now, because the program has proved so successful. It has drawn a lot of praise, that we have now tried to move it into a daytime program and we have set up in 65 Court Street, which is one of the headquarters buildings, a school we call the Ebbetts Field School, which is designed to get youngsters who are obviously not succeeding in school to benefit by this type of arrangement. It has worked well.

THE COURT: What do you call that?

THE WITNESS: Auxiliary services. We gave the school the name Ebbetts Field. The last contact I had with it was to open up one in Queens as well, during the daytime. We do have that program in every borough at night.

I think in order to point out the question of dropout, which of course is an overwhelming problem, that we try to get from the schools from which youngsters are dropping out, what we call a committee interview card, in which the youngster is interviewedas to why he's dropping out and what his plans are. If we cannot obtain that particular card, the address of the youngster is forwarded to the auxiliary services

which solicits them to come in by mail. Other services for trying to bring them back are community agencies which know the program and send them to it and some come to it off the street.

Q Mr. Zack, in other words, at Franklyn K. Lane, from the evidence which has been adduced at this trial so far and from your review of the programs, there would be approximately on the outside of about 600 children who attend Lane who receive an education which would give them a realistic opportunity to be an educated person in our society; would you agree with that?

A In concept, I would. I couldn't support your figures specifically.

Q Isn't it an interesting thing with reference to Defendant's Exhibit Z? I'll show you this exhibit. You have it here?

A Yes, I have it. Thank you.

Q I direct your attention to Franklyn K. Lane and can you think of any other reason from your point of view as an educator as to the reason why there is a reduction in the number of Blacks?

THE COURT: What, Z?

MR. TODEL: Yes.

THE COURT: I'm sorry. Just a minute.

MR. TODEL: Yes.

THE COURT: Yes, sir.

Q There is a reduction in the number of Blacks who are in the 12th grade, other than what you've stated on direct examination?

A You are leaving me where his Honor has already made a statement. Let me begin by saying that naturally you are taking account of the fact that there is a decreasing proportion of whites entering the school, as we've demonstrated. That would therefore reflect it as a factor in indicating differences between the various years.

Now, as an overlay on top of that is what you are reaching for. I think, Mr. Todel, his Honor has pointed out and I think I must agree with him. The stringent rate in terms of those who will go to graduation in Lane, although not necessarily in other means, is higher in the impoverished community, the Black and Puerto Rican, than it would be in the white community. I think that's what you're trying to get me to say and I'm happy to say it -- not happy to say it, but I'm acknowledging it, yes.

Q There's also a very interesting thing which probably may point up a question which has been raised by more than one witness with reference to the similarities of schools.

Is there anything in that figure in the ninth grade entering which would raise a question in your mind whether or not Franklyn K. Lane is similar to some of the other schools in Brooklyn, like Boys High, Thomas Jefferson and so on?

A You'd have to point the question up a little further.

Q You have a 23 percent other population admission into Lane?

A Yes.

Q Do you know where Lane is located?

A Yes, I do.

Q And do you know the area in which it's located?

A Yes.

Q What type of area is it?

A Immediately around the school, except for the abuttment of the cemetery, the area immediately around the school is white.

Q When you say immediately, it extends for quite a distance?

A Area, you know what we're talking about.

Q A fairly large area of Lane High School?

A That's right.

Q It's located in a white area?

A Yes.

Q Would you say from your experience as an administrator and as a teacher thathaving a large Black and Puerto Rican population coming into a white area would create certain types of problems which Boys High may not have or Eastern District or Bushwick or there's -- I think another school -- those three schools -- would there be problems which would not be the same as those other schools?

A Well, in order to respond to your question, I think you're pointing at schools which are almost entirely non-white.

Q All right. Well, point then to something which was --

A When you mention Bushwick, Bushwick has an other population that is not too dissimilar, I do believe, from that of Franklyn K. Lane. I would like to be able to check that, your Honor.

Q Yes. It has 17 percent of other and 47 percent of Puerto Rican and 37 percent of Black.

A There are similarities then in the composition.

THE COURT: Wait a minute. On Exhibit Z --

MR. TODEL: I was reading from another exhibit.

THE COURT: On Exhibit Z, it shows 19-1/2

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percent other, 47-1/2 percent Puerto Rican -- and I think it's unique in the number of Puerto Rican population -- and 33 percent non-Puerto Rican Blacks.

MR. TODEL: Yes.

THE COURT: Now, we don't know what percentage of Puerto Ricans are Black?

THE WITNESS: No. We do not, your Honor. But, there are parallels, I think, to some degree in the general pattern at least as regards minority and other. I do believe at Bushwick, at one point it was one third, one third and one third, down the line, and to a greater or lesser degree, that seems to be maintained.

Q From your knowledge of Franklyn K. Lane's zone, and where the school is located and the breakdown in the ethnic population, do you feel that there really are other schools with similar problems that Franklyn K. Lane has with reference to population and the nature of the population where Franklyn K. Lane is located?

A Similar and in some cases, more acute.

Q In what ways more acute, Mr. Zack?

A Well, looking at Bushwick, for example, where the population shift, if anything, has been more dramatic. I'm

looking at the distribution of minority peoples as against others. I think you would have to go to a school like John Jay to get a pattern of movement of a similar kind. I think you would have to go to Erasmus, which is also a school which is under great stress from the standpoint of a disappearing other population.

If you look at Erasmus, I think, the figures move rather sharply as you go up the grades.

THE COURT: John Jay seems to present a rather extraordinary picture.

Will you look at the ninth year class on Exhibit V, for John Jay. You see an entering class of 60.4?

THE WITNESS: Yes.

THE COURT: Then in the second year an entering class of 60.4 at others and 44.3 others in 10th year?

THE WITNESS: Yes. John Jay, as you will notice when you turn to the utilization figure, your Honor, is a fantastically overcrowded school. It's 161 percent. It had actually been coming through at a figure of about 185 percent.

In order to do something about the overloading in that school we directed a number of

feeder schools from minority areas into the southern sector of Brooklyn, but did not disturb the others input into John Jay. Therefore, in that entering class you get a disproportion which reflects the moving of that population to the southern part of the borough in an attempt to relieve the fantastic overcrowding that's taking place.

Now,however, as part of the attempt to meet this problem at John Jay we are converting one of our vocational schools, Sarah J. Hale, into an academic high school and have taken --

THE COURT: Sarah J. --

THE WITNESS: Hale, Vocational High School.

THE COURT: I see.

THE WITNESS: We have taken a building nearby which had been actually a place in which I think newspapers had been published and are converting that as a wing of Sarah J. Hale High School and then we will have to rezone that area in order to reduce the pressure on John Jay.

Q By the way, Mr. Zack, since we're on the question of utilization, I notice there has been testimony to the fact that Franklyn K. Lane's utilization has been reduced

and, for 1970, it has been reduced to 111 percent and 1971, it was reduced to 104 percent?

A Yes.

Q I think, yesterday, you testified with reference to how utilization is figured by the Board of Education and if I show you Plaintiff's Exhibit 7 and direct your attention to the capacity of the school and that a change in the capacity of the school was made in 1971; is that correct?

A Yes.

Q Are you saying that there were more classrooms made available, more seats made available?

A I'm not saying anything. Your Honor -- I mean, Mr. Counsel -- perhaps one day I will address you as your Honor. It will be a privilege, I assure you. I can't, on the basis of what you present me with here give you a specific knowledgeable response. Something may have taken place which increased the listed capacity. It is on a formula basis and therefore it's arbitrary, you see.

Q You will notice by looking at Exhibit 7 that each of the schools in Brooklyn --

A Yes.

Q Apparently the procedure of figuring out the utilization has been changed starting in 1971. In other words, the capacity of each of the schools in Brooklyn has

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increased?

A That isn't borne out altogether.

Q I'm sorry. I might have missed one.

A That isn't borne out. Particularly, I see Wingate in '72 has gone up about 60.

Q Would you look at all the other schools there?

A Yes. There seems to be a slight increase. I cannot account for it out of my own knowledge. It would be a method of applying a formula and I think I had explained yesterday that these formulas are drafted in conjunction with and under the control of the City, who determines what the formula shall be. They involve people from a variety of offices, including the Budget Director, who has a particular interest in this.

You ought to know that increasing of the stated capacity of the school is good as far as the City is concerned, because it then does not have to build other schools. I have sat with these people and argued endlessly and said they should have revised their figures. When counsel has been telling me we ought to have smaller schools or remediation, it is an absolute truth.

Q All right. Mr. Zach, in other words, someone in the Board for various administrative reasons can change figures around?

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A Not in the Board, sir. We must get that straight. If we, in the Board, had our operation, we would cut those figures drastically. This is done by the city agencies who are compelling us to do this.

Q Let us take Abraham Lincoln, since that's the first page of Plaintiff's Exhibit 7.

A Z, you mean.

THE COURT: No, 7.

Q Exhibit 7. You don't have that.

And I show you from 1967 to 1971 the capacity of the school was 3,043 and then in 1972 it was changed to 3,121?

A Yes.

THE COURT: Which one is that?

MR. TODEL: Exhibit 7, your Honor. I just took the first page, Abraham Lincoln.

THE COURT: Well, now, I think that we shouldn't rush to that conclusion because there was some testimony there was construction work.

MR. TODEL: Not in Abraham Lincoln, no, your Honor.

THE COURT: But we didn't talk about Abraham Lincoln, although Abraham Lincoln had undergone a modernization which might have increased its population.

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Q Who in the Board of Education, and if it's not a person within the Board of Education, what agency would make the Board of Education, City of New York, Central Zoning Unit, change their figures of Abraham Lincoln from a capacity of 3,043 to 3,121?

A You gather that there is a change that must have occurred at the point of my depature, but then, let me answer your question as to who.

We have an Office of School Planning.

THE COURT: If you're going to take a more dramatic one, take a look at Bay Ridge?

THE WITNESS: Well, it went up by about 85, your Honor.

THE COURT: See, that's all over the lot.

THE WITNESS: Yes. In other words, it's uniform and evidently the only conclusion I can draw at this point is since I have not been personally involved in this last change is that our School Planning Division, which has an office concerned with this particular problem, may have been compelled to increase the rated capacity of the schools because it obviously is asserting the objectives of the Budget Director who's office is most deeply involved.

THE COURT: Is this correct, and it's the only thing worth talking about in this context, that whatever measure of utilization is prescribed would operate uniformly across all of the schools involved?

THE WITNESS: That would seem to be the case, your Honor. It's a formula operation rather than an individual reaction.

Q And I take it with Exhibit -- Defendant's Exhibit A, which is the school profile, is also a formula type of operation?

A Yes, most definitely.

Q This is good in terms of the total superstructure, taking a view of the whole situation; is that correct?

A Well, let me try to sort out what you are telling me, Mr. Todel. The formula I think I may have pointed out at one point -- there are operations of operations and I think I pointed it up yesterday. It seems like a year ago. Yes, there had been a great deal of freedom assigned to the high school office in terms of its allocation of personnel and funds to permit meeting problems that were emergent in particular places. Now, it's a good concept: you fill up a pipeline in one place while the others stand by, until you have met a need. However, the measure of the public effect

has been to have an even-handed justice -- and my Shakespeare is getting the better of me. So, we were directed by the Board of Education throuch the Chancellor to develop formulas which would allocate the funds on some donative basis to all of the schools equally. If there are any changes in the manner of allocation, they would have to be justified by some concept and then applied.

The Board of Education insisted on this and the Board of Education reviewed this school profile posture and did not accept it until it was satisfied we had changes into the direction of where their policy concepts directed us.

What you have therefore is a formula approach to the meeting of needs on the basis of some kind of an educational concept and philosophy which is being applied throughout the high schools.

Q For example, you testified yesterday with reference to the guidance services and so on?

A Yes.

Q And I was just curious --

A Shall we go to the --

Q Yes, page 202. I was just very curious in going over this last night then I looked at page 202 and then my eye jumped up to the Manhattan schools which are listed there, like Charles Evans, George Washington, Harran High

School, Louis Brandeis and I notice the ratio of pupils per guidance, how much smaller numbers exist in Manhattan; can you give me any understanding as a person who is in charge of high schools as to the reason for that large difference? Is it just because it may be just in Manhattan and it's visible?

A The Borough of Manhattan represents a great concentration of problems. The Borough of Manhattan is a massively impacted, ethnically distorted community. I think that maybe we have in the total of Manhattan, and this would be roughly guessing, perhaps as much as 20 percent others available in the borough as a whole. The schools that you are looking at are schools which are distinctly underprivileged and in the case of George Washington, I think you are aware of the problems that occurred there.

Q That's located in Washington Heights?

A That's right.

THE COURT: Well, most striking is Hughes.

Q Which is down on Manhattan on 18th Street?

A 18th and Eighth Avenue, your Honor.

Q The question I have, is it because of the problems are very visible in the heart of the City of Manhattan that suddenly the Board has put more efforts in terms of guidance services in those areas?

A If you're going to make comparisons, Mr. Todel, let's take a look down the whole line.

Q I was just wondering, can you answer the reason why this has occurred?

A I can't answer it unless we look at the total picture.

Q Go ahead.

A Take a look at Julia Richmond.

Q That's on the East Side of Manhattan and around 76th Street?

A Julia Richmond is a massively Black and Puerto Rican school, very few others in it, even though it is located in one of the wealthiest communities in the whole Borough of Manhattan.

Take a look at Seward Park, which is likewise a school which is ethnically distorted.

Take a look at Washington Irving. What it underscores is the fact that there is a calculated choice being made by a principal in most places to where he's going to put his manpower. It does not mean necessarily that these schools are getting more services than any other. That is not a conclusion I would draw for you because it wouldn't be accurate. I would say in some cases that one or two people in these schools are particularly aggressive in going out and getting programs.

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Q In other words, you feel that these principals have been aggressive in getting the ratio of pupils per guidance services positions; is that what you are saying?

A No.

Q Those are the figures referring to those specifically?

A Some of the principals have been particularly aggressive in getting programs, many of which have an overlay of guidance, perhaps.

Q In other words, yesterday, Mr. Zack, when the question was being put to you with reference to Franklyn K. Lane, it was framed in the reference that: Look, what Franklyn K. Lane is getting in terms of it and possibly the principal was not being aggressive in getting services for its school; that was the frame of reference in which these questions were put to you yesterday?

A Yes.

Q Now, what happens, for example, Mr. Zack, in effect --

MR. GOPSTEIN: Your Honor, was that a question before?

MR. TODEL: Well, he said yes.

THE WITNESS: I'm waiting for your question, Mr. Todel.

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MR. GOPSTEIN: I think he was just responding to the way you phrased it.

THE WITNESS: I wasn't agreeing.

THE COURT: I understood he was waiting for more.

THE WITNESS: That's right.

Q Do you feel, Mr. Zack, that in view of the fact that in Brooklyn, Franklyn K. Lane, according to the profile, has a hundred and fifty-one students per guidance service position; that there, in and of itself, would reflect upon the administration or how this school was being administered?

A If you allow me a preamble, Mr. Todel, I would like to tell you that I'm not interested in pillorying any principal. That is not my intent. If we want to examine this particular situation and respond to your question, we would have to say there's an actual choice made as to how he's going to employ his staff. If you restrict the number of periods of instruction, which is being provided or if the class sizes are large, you're going to have available to you additional manpower which is not going directly into instruction. Under those circumstances, you will use them in other areas and the areas almost logically will fall in the areas we formally ascribe to as guidance.

If you take the opposite point of view and put your

efforts into the main, into instruction, you would find that the number of people assigned to guidance would fall dramatically.

Q I see, it's up to the principal to use his judgment as to how many positions are to be in guidance?

A This is a supervisory function.

Q You're familiar with the Franklyn K. Lane zone and the student population?

A Yes.

Q Would you say that having one guidance person or service position for 151 children would be use of bad judgment?

A I would say, Mr. Todel, that I would be looking at 32.6 persons -- if you will, positions -- being used in guidance out of a personnel of -- what is it -- 220. I would think that that is high. I would also have to draw other conclusions, Mr. Todel, and those are that a deliberate choice is being made as to whether or not to put this in instruction or to put it into other areas.

THE COURT: What are you getting that out of? 32.6?

THE WITNESS: Out of approximately 220 people, I think, on the staff. Isn't that roughly right, Mr. Todel, I don't have the figure in

front of me.

MR. TODEL: Approximately.

THE WITNESS: I think the total number of positions in the school would be in that ratio.

BY MR. TODEL:

Q 239 teacher positions?

A It's roughly about 10 percent of the staff that is going into areas of guidance; that raises in my mind, Mr. Todel, questions as to whether or not this is a better expenditure of staffing than others and it would be something that I would want to review with the principal and if it would appear, for example, that it doesn't make sense, I wouldn't want to be in a position to challenge. Well, we have been discussing providing remedial services. We've been discussing computation skills. You have led me to agree with you, Mr. Todel, that the smaller the number in the classroom the better and if we're in agreement on that, then the question would be put your staff in instruction rather than in the other activities.

Q Do you feel from your knowledge of the Franklyn K. Lane zone that knowing the student population and the problems which may exist in that particular area that in your judgment are you saying how that these teachers should be put into other aspects of the educational process; is that what you are saying?

A I'm saying if we're interested in remediation and providing services to youngsters on an instructional level, then, directing your efforts in that direction would be a

choice that one would want to consider.

Q Isn't it one of the functions of the educational set-up to have a humane psychological and secure physical environment; would you say that would be a necessary part of the educational process?

A Yes.

Q And you feel -- withdraw the question.

Defendant's Exhibit A has come out sometime in 1970, '71; is that correct?

A The next one.

Q This one came out in about '70 or '71?

A Yes.

Q Have you reviewed with Franklyn K. Lane the use of that number of guidance positions in that school?

A I did, definitely, yes.

Q I see.

THE COURT: What was that?

THE WITNESS: Did I review it, your Honor, with the staff of the school, this use or apportionment of the personnel.

A (Continuing) The answer is I did.

Q And as a result of your reviewing this, was anything done?

A I can't tell you at this point. I don't know.

Q Well, this report has been in existence for at least two years?

A One year.

Q One year. When did this come out?

A It came out in '71. It reviewed the data for '70, '71, but it appeared in '71.

Q Did you make any suggestions to the staff?

A I talked to the principal.

Q I see. What did you say to the principal and what did he say to you?

A I suggested to the principal that this was such a distortion in which positions were being apportioned elsewhere and it seemed to me it didn't add up. Perhaps we ought to consider extending the time of the school and instruction provided. It seemed to me on the basis in which I was drawing conclusions, it was maintained that in making a single session, these classes were being enlarged.

Q Was it in your judgment as an administrator that there should be more than one session at Lane?

A I don't know what distinction you're drawing between administrator and education.

Q Sometimes an administrator has a certain amount of space where he can put a certain number of people and if he uses this space for a certain period of time he can put

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more people or less people there.

Were you thinking in terms of an administrator or educator for more than one session at Franklyn K. Lane?

A I must respond to your question that I again, as an educator, and look at it with an administrative eye as well.

Q Do you know that the other day the Deputy Chancellor testified that in his opinion he would not want more than a single session at Franklyn K. Lane School?

MR. GOPSTEIN: Your Honor, if Mr. Todel is referring to prior testimony, I think, although I don't have the exact quotation, what Mr. Anker was saying in response to whether the single session is ultimately the most desirable situation and I think he said yes, it is the best desirable situation.

THE COURT: I don't know. I would have to review my notes.

Everybody agrees that if you get it and all the other things you wanted as well, a single session is very desirable.

THE WITNESS: I think that would be how I wanted to respond to Mr. Todel. Then, you would give me alternatives, if you're asking me now for an educational judgment, I would be happy

to produce it.

Q What is your --

A My first judgment would be that it should be in the instruction in the classroom; that aspect must be adjusted to the need and under those circumstances it would seem to me that if remediation is our objective, then we ought to move toward more than a single session.

Q In other words, in your educational judgment, knowing the student population of Franklyn K. Lane, you believe that Franklyn K. Lane should go on a more than a single session at the present time?

A I'm saying to you to provide maximum instruction if we must go to a multiple session and in this case I would argue for an end to end session.

Q What does an end to end session mean? It starts at 8 o'clock in the morning and ends about 5:30; is that what you're talking about?

A I'm talking about an end to end session which has the school broken down into two schools. You would bring the youngsters in at 7:40 and let them out at 12 and bring your other school in there after and let them out at about 5.

Q This is what you in your education at the moment would recommend for Franklyn K. Lane?

A You're asking me for an educational judgment and if

you're asking me to priorities, that's what I would do, yes.

Q Do you know what the problems are with reference to children getting to go to Franklyn K. Lane today?

A I do, indeed.

Q And classes begin at about 8:40 or 9 o'clock. Do you know what the tardiness rate is?

A Yes.

Q It's quite substantial?

A Yes.

Q In view of that, you still feel that from an educational point of view that school should begin their classes at 7:40 in the morning; is that correct?

A I have you at a disadvantage. You have me in an area which I am perfectly familiar. If you're saying they are tardy at 8:40 they might not be so tardy at 12. So that it's very possible that these youngsters who are coming in out of the ghetto areas at the early points where we're concerned about losing them later on might perhaps come to school at 12 o'clock.

On the other hand, if I may pursue the question a little further: A youngster may be late at 8:40 and he will be late at 8 and if you move it to 9 he would probably be late also. I don't think there that the question is tardiness

as the controlling factor. I do believe the educational aspect is the controlling factor.

Q Are you aware that parents during the late fall and wintertime would have their children coming home at 5:30, 6 o'clock, and do you feel as an educator this is what you would want in this particular area?

A I certainly don't want it, Mr. Todel. I think I made that clear yesterday, but you're now asking me to make an educational judgment.

Q Yes.

A I'm fully aware that parents don't like to have their youngsters come home late and if the facilities were provided in the city this would be a sine qua non, but we don't.

Incidentally, there are many schools in this city with comparable problems which are on end to end sessions. In some cases, it has even resolved problems.

Q Which school, for example; want to take a look at Brandeis?

A Brandeis, if we take a look at the population --

Q It's about 5800 or so. It's located in Manhattan in the East 70's, I believe.

THE COURT: What page?

MR. GOPSTEIN: Page 13.

Q It's located on West 84th Street in Manhattan?

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THE COURT: Page?

MR. TODEL: Page 18, your Honor.

A I do believe that it's on end to end session. I couldn't tell you that with absolute security, but I could tell you that it's in multiple session. If you notice the utilization figure, you will see it's 165 percent.

Q It has annexed, also, I believe, Mr. Zack, that it has not 32.6 guidance services, but it has 39 positions for guidance services?

THE COURT: What page?

MR. TODEL: 202, your Honor.

THE COURT: It has a staff of 281, if that matters.

A It's a terribly overcrowded school. Some of the guidance services which are present in that school are the result of this particular principal's pressuring for every kind of program to be introduced into that school that he possibly could.

Q In other words, if you look at the bottom of page 18 of the profile you will notice that it has almost the same type of programs existing in Lane, other than the Lincoln Center, which nearby in Manhattan; is that correct?

A No. It has a number of others as well.

Q For example, pre-technical business; is that it?

A Yes.

Q Management engineering?

A Correlated curriculum, homework helpers. It has a number of peripheral reading programs.

Q Which you do have in Lane, also?

A Yes. I would have to check this out but I don't think this is really a complete description of what's in this school as is there.

However, looking at the utilization rate you can understand in the case of this school there are no further operations available to the school. All of the space is being used. It isn't as if he was trying to keep it on a single session so that it isn't by design that he is unable to fulfill all of the space available. It's a tremendous overload. That's a problem in this particular school.

Take a look at Canarsie.

Q I was just wondering on this particular point, what do you believe, Mr. Zack, what do those in the administration of schools believe that these other schools which you mention like Brandeis and other schools which have, as you say, similar problems to Lane, do you mean are they running better or do you mean that these problems are solving their educational problems? I'm just wondering what you mean

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by their taking care of their schools?

A I didn't say that. I don't remember saying that, Mr. Todel. If I could get the thrust of your question which perhaps you aren't even asking me, I would try to respond to it.

Q Do these schools have less violence and fewer disciplinary problems than Lane; if you know?

A They do have fewer, yes.

THE COURT: They what?

THE WITNESS: They have fewer incidents of violence, et cetera.

Now, since you're asking that question, I'm going to make -- I'm going to pursue it for you.

A (Continuing) We have found that when schools are in considerable difficulty, one of the answers to the problems, and I'm talking about violence, is to put the school on an end to end session. It has several compensations.

Q You mean putting this school on end to end?

A End to end sessions.

Q When there is violence?

A Yes. For one thing, it reduced the utilization of the lunch room during the course of the day; that is, in the case of Lane and in the case of George Washington, the place where

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trouble comes. It is true at Canarsie and Wingate. These schools are schools which have known violence in considerable numbers. Canarsie High School was one of the schools that had great difficulty on that score and one of the moves that reversed that situation was to put that school on end to end session.

bis AMhb

Q Was Lane on end-to-end session?

A I think they were on overlap.

Q What does overlap mean?

A Well, I went through it yesterday, Mr. Todel. A school in its normal operation at certain portions of the day begins to have space available which is not available at the beginning of the day itself. For example, the first two or three periods is when the school is under maximum utilization. Then you begin to take out blocks of your students and put them into the lunch room for lunch. These students are not in classrooms, therefore, you can begin to bring in other students to go into those classrooms while a significant portion of your student body, maybe 25 or 30 percent or 33 percent, is going through the lunch room operation.

THE COURT: In other words, you have a full time session, normally. You don't put all the students in the lunch room at the same time?

You stagger the lunch periods?

THE WITNESS: Yes, that's right.

THE COURT: So that leaves --

THE WITNESS: That leaves a portion of your classroom space available for others.

THE COURT: And over a period of what, an hour and a half?

THE WITNESS: Yes, approximately, your Honor. And therefore you will bring in other students in another session at the point where space becomes available. Then, you're overlapping your sessions.

Q How many sessions would they overlap; how many sessions can there be in a day?

A Depending on the way in which your space breaks, you can bring in one, two or three.

Q How many classes are there -- how many hours are set aside for a regular school day on a single session?

A It can be up to eight periods in a day.

Q And if there are nine periods, then they overlap; is that correct?

A Yes.

Q Do you know whether Lane has eight or nine periods?

A It is my discretion and I can only do it by discretion at this point because I haven't refreshed myself. I believe at Lane there are a very small amount of youngsters who are brought in for an extra period, either at zero or an extra period at the end of the day. The constant flow of students in and out, coming and going, gives you a problem of control of the areas for intruders and therefore to stabilize the school which is under difficulty you take an idea which is not desirable educationally as the ultimate approach and you try to create two schools in the space of the same base. One comes at one point and leaves at one point and therefore you have control of your exits and entrances so that anybody coming at any time during the interval in that session is visible.

Having dismissed one school, you then bring in your other school and once again duplicate that situation in the later day. It therefore has the control of the entrances and leaving and also removes the common utilization of large assembly areas where trouble can arise.

Q Mr. Zack --

THE COURT: Isn't this a convenient place to break for lunch? Do you think you can be back at 2:30.

(Luncheon recess taken.)

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AFTERNOON SESSION

CROSS-EXAMINATION

BY MR. TODEL: (Cont.)

Q Mr. Zack, one of the things which I've been trying to get clear in my own mind is what is meant by the Administration that one school may be running better than another school?

A It's compounded of many things. It's compounded of something that is as tenuous as tone. Something as real as the level of participation and activity on the part of students and teachers. The degree of success accomplished in meeting problems with which that particular school is affected.

Q I see.

For example I was wondering, would you say that a school similar to Franklin K. Lane, would one of the criteria for whether or not the school is better run be has a reading level improved?

Would that be a criteria?

A It could be.

Q Do you know whether or not the reading level has improved in schools where the administration, say, are similar to Lane? In other schools other than Lane?

A I'd have to look at the data. I couldn't give you

an answer off the top of my head. And you deserve, I think, a better one than that. I couldn't say.

Q I see.

Do you know whether or not the dropout level was better in those schools than in Lane?

A Once again I'd want to look at the data.

Q Would you know whether or not the educational achievement has improved in these other schools other than Lane?

A It's a series of questions that I would have to take a look at data in order to respond. I can only give you at this moment a reaction, rather than a judgment.

Q In other words, you wouldn't even know whether or not attendance has improved in these other schools which you say may be similar?

A I could find it out. That date is readily available. If I knew you were interested, counselor, I would have gotten hold of it.

Q I think yesterday you mentioned something about an alternative school that had been discussed at one time with a number of principals. What is meant by "alternative" school?

A We are constantly attempting to find answers to the problems presented by young people who are not learning

either as effectively or not at all as they should.

There has been current in the thinking in educational circles that we ought to attempt another kind of institution and instructional program. Some of these arose originally out of the street academies, which you may be familiar, probably have heard about them, where another type of setting was being set up for the youngsters and another type of approach being attempted.

They blazed the trail, although they themselves were eventually phased out. They depended upon private monies and were not able to obtain it after a period of time.

Now, if a program has any validity, any institution in the educational field should attempt to institutionalize it. And, therefore, the question of providing alternatives by definition was something that we had to approach.

We had attempted in a variety of ways, for example, there is a school called "The Redirection," with which -- is available for students from Franklin K. Lane.

There are a number of other attempts that we had made to explore this type of approach. It is built upon a number of concepts, one of which is a small group of young people work intimately with a single group of teachers so that you have a highly personalized approach.

Q That type of approach, would additional

teaching staff be provided at school or do they have to use their own resources given by the Board in their regular allotment?

A If I could wind up the idea I'll respond to your question. And then to encourage that faculty in that particular school to take novel approaches, first of all, to try to find people who are sensitive to that approach, then to try to find novel approaches to the meeting of the problem of learning because the conventional ones obviously were not effective with these young people.

That then in essence was the concept.

Now, you ask were additional services provided. The answer is that for any participating school there would have been additional services, yes.

Q Say, for example, you -- I think you -- yesterday you testified to the effect that a number of schools have alternative programs. Have additional services outside of the regular teaching staff been provided for those alternative schools in these schools?

A They have been.

Q They have been?

A Yes.

Q For example, what type of teaching staff, additional teaching staff?

A Well, a school in general on the high school level using a rough figure gets about one teacher for approximately every 25 young people, if you boil the formula down for instructional purposes.

In order to have this school have independence of operation, you would need somebody to act as the guiding head of this particular school.

Therefore, there would be one additional person assigned to that school. And whatever additional staffing we could obtain by taking it off the top of the available force --

Q In that school?

A No, no. In the city.

Q In the city?

A Yes.

-- was then distributed to try to be helpful. For example, we arranged with -- with the State Urban Education people to build an educational reading component into that school.

Q What school are you referring to?

A Generally the alternative school that you asked about.

Q What is the name?

A The concept.

Q What -- I was wondering if you could give me a specific school so that -- you testified that there were 13 or 12 high schools and that 12 of them have instituted alternative programs.

A Now we're up to 22.

Q One specific school, so at least we have a frame of reference.

A I could get to that if you like, counselor, because I have the information here in my bag. If I may, I'll go get it.

Q Sure.

A If you'd like me to give you a list of those in Brooklyn, I'll be glad to give them to you.

Q I was wondering could we have it marked for identification, your Honor, the list?

THE CORUT: Yes. Surely.

THE CLERK: Plaintiff's Exhibit?

MR. TODEL: Yes.

THE CLERK: Plaintiff's Exhibit 12 for identification.

(So marked for identification.)

THE COURT: Plaintiff's Exhibit 12?

THE CLERK: Yes, your Honor.

xxxx

BY MR. TODEL:

Q For example, in Brooklyn, there are some schools that have alternative schools; is that correct?

A That is right.

Q For example, which schools do have --

A Boys, Bushwick, Thomas Jefferson, New Utretcht, George Wingate.

Q And say, let us take, for example, Boys; how many students are involved inthe alternative school program at Boys High School?

A We have reached onthe average -- and I would have to give it to you in general figures, for a component of up to 125 and 150, which we would regard as an optimum figure.

Q That's the optimum figure?

A Yes. It should not go above that. Then the school would have to provide for those students the very teachers that it would ordinarily provide for them in regular instruction.

On top of that the school would receive a person or teacher to act as the administrative head and also --

Q When you say -- I just want to clarify this. When you say they will receive a teacher to act as administrative head, is that in addition to the regular staff?

A Yes.

Q So they have one additional person so far?

A No. So far, yes. And then since we had set aside a hundred positions last year, I don't know what the story is this year -- for schools that had larger numbers, there were added on personnel within the limits of what we had to try to help them reduce their classes.

Q I don't think I understand that.

A We had set aside a hundred positions for this purpose.

Q For the purpose of the alternative schools?

A Alternative schools, yes.

Q Yes?

A A few of them were stolen for other activities. This is a general pattern that happens in institutions, but the remaining number were used to give aid to these programs, depending upon the stated or obvious need in these schools.

For example, we're able to work out with the Urban Education people an education -- a reading component. So that they were given reading teachers over and above their regular allocation.

Q In other words, then--I just want to follow this so I can understand you -- besides having this one supervisory personnel, they would -- received additional teachers other than in the regular high school, Boys High School, for example?

A That is right.

Q I see.

How many would they have received, say, for example, in Boys High School, additional teachers, in this program?

A I couldn't tell you specifically. I can only give you a general pattern last year and again this year; it would depend upon the availability of additional staffing.

Q All right.

Now, where would this school take place?

A The original design was one which called for setting it up in a neighborhood facility, off the premises. That is a desirable approach because while it should be related to the school from which it comes and have administrative supervision by the principal and have a staff which knows its own staff in the building, in order to give it separate identity and the sense of closeness there can come in a separate facility, it was our approach following the line that we had learned from the street academies to try to find a separate housing.

Unfortunately, very few of these were coming through. One of the reasons being that facilities are difficult to find and another was that the Board had already exceeded its monies for rentals so that it took a good deal of

pressure from my office and my staff to try to get these settings but the schools, nevertheless, opened them even if they didn't have separate facilities, right within their own buildings.

If they could acquire facilities, we moved into other facilities, Otherwise, they continued to be housed within their own building up to the limit of their capacity.

Now, I know -- I'll withdraw that. Being housed within their own building. The drive is to continue to find settings for them but in the mean time they are operational.

Q Has there been any evaluation of these schools?

A I couldn't tell you that there has been, no. I could tell you that they are in the continuing line of educational innovation which seems to argue that this is a good idea.

Q All right. We'll go to another subject now, Mr. Zack.

A Yes.

Q You testified yesterday with reference to --

A I may -- if I may interrupt you, counselor.

Q Yes.

A Since you want a total picture. The operation of

these alternative schools was developed with the consultation of the principals, each of whom, who wanted to participate was encouraged to present his own design, in keeping with our concept to decentralization.

This design was examined and in ever case except one -- no. I think in -- these were examined and if there were any suggestions to be made, they could be elaborated or improved on, they were made and then these were in turn instituted.

Now, we have maintained at Central Headquarters one lady who is in charge of operating this reading program, developing materials and supporting these activities in the field.

It was optional with the schools if they wished to enter. The invitation was extended to all of them. I think you will find as you examine the schools involved in all of the 22 instances that they are almost always schools with considerable problems in terms of minority youngsters who are in need.

THE COURT: In principle, this would not, however, be limited to schools which had handicap problems?

THE WITNESS: No.

THE COURT: I suppose --

THE WITNESS: It was offered to everybody.

THE COURT: I suppose it could be used for groups of gifted children?

THE WITNESS: This would not be a program for gifted children, no.

THE COURT: Because they couldn't qualify for sub-vention?

THE WITNESS: Yes.

And moreover, they are already being successful in their present setting. So that if -- there would hardly be a need. This was directed at the turned-off youngster and by the way, we kept emphasizing from a philosophical point of view that this was not intended to be a remand school where problem cases were removed because they were disciplinary or troublesome.

THE COURT: You didn't get booted into it?

THE WITNESS: Exactly. The youngster who came in had to go in with the consent of his parent, his own willingness and the support of the guidance person in the school.

What we tried to unload was any sense

of this being anything but another way of approaching the education problem.

BY MR. TODEL:

Q Then, if I understand it, just to clear this up, Mr. Zack, then, say for example, at Boys High School they have this alternative school within the school itself; is that right, or they have an outside facility?

A We did not get them an outside facility while I was still in the office. We were on the point a number of times of getting them, but for one reason or another the facilities did not become available.

Some rather unpleasant things about manipulation of real estate took place so that they maintained it in the school. They may have gotten their facility by now. I don't know.

Q You don't know how many students are in that group at all?

A No.

Q You don't know how much extra teachers have been added to it?

A I have given you a general picture.

Q I just want to clarify this general picture.

You say that as so often happens when positions are allocated and you said there were a hundred positions

allocated for this, something happens to them? How many happens -- what happened to part of these hundred positions?

A It's an interesting venture on your part, counselor. For example, since we had sequestered a hundred positions, whenever there appeared to be a need, there would be an attempt on the part of somebody in the other areas of the school, of headquarters, to see could they use a couple of these positions for other purposes.

Q Do you know how many of the hundred were used for other purposes, other than alternative schools?

A I would say about 16. We wound up with about 84, which were put into the -- and they were difficult to hold, counselor, because the schools were getting underway and did not become operational in every case almost immediately.

So that holding these positions was like holding on to a treasure which you had to keep hiding.

Q Yesterday you were questioned with reference to the zoning of Franklin K. Lane and also of the procedures that are followed by the Board of Education.

I show you Plaintiff's Exhibit 8 for identification. Is this the type of procedure that's followed by the Board when there is a question of rezoning?

MR. TODEL: This is Plaintiff's Exhibit 8 for identification, your Honor. I -- Plaintiff's

8 for identification.

THE COURT: 8.

A You will forgive me if I refresh myself, counselor.

Q Surely.

A Yes.

MR. TODEL: At this time the plaintiff offers in evidence Plaintiff's Exhibit 8.

THE COURT: I think Mr. Zorn --

MR. TODEL: Thorn. It had not been introduced into evidence.

THE CLERK: No, it wasn't.

MR. GOPSTEIN: I have no objection.

THE COURT: Received.

May I see it, please.

(Document handed to the Court.)

(Plaintiff's Exhibit 8 so marked in evidence.)

xxxxxxx

BY MR. TODEL:

Q Mr. Zqck, Plaintiff's Exhibit 8, more or less, is what you called yesterday your out-reaching or reaching out into the community; is that correct?

A Yes, sir.

Q In other words, you would contact the parents association, whatever community groups would be involved in

that?

A As indicated, yes.

Q And when there would be rezoning required in the City of New York, what would be the procedure of rezoning of the Brooklyn schools?

A This pattern is followed. The inputs are made, the problem is defined. Sometimes problems are suggested by the people when they meet with the concerned superintendents and the zoning office people.

The problem is stated and recommendations are requested as to how to proceed.

The year before when I first set up this procedure for the high schools, I asked the principals to assemble their people after they had met with me, to assemble in their own schools those people who they thought were concerned in this matter, whether it be presidents of parents associations, their own and feeder schools as well, community groups, whoever, teachers, students. And to make a proposal as to what they thought ought to be the zoning for their particular centers.

These were put together and examined for their feasibility and their rationality. They were reviewed in turn also with the zoning people to see whether or not there was any other input or information which was required. And

then a tentative plan would be drawn, which would be brought back to these people again in an assembly and in various forms after having met with them on repeated levels as they have indicated for examination and consideration.

Modifications would be made as we became apparent, as I have indicated, of the result of this conferring. And then this plan would be submitted to the deputy chancellor who would review it from his level.

If a modification was required in that final plan, it was then made and finally brought to the chancellor who would adopt it as the plan.

This was the administrative plan. Thereafter, an appeals procedure is set up so that those who feel as though they have been outraged in the situation or have not been properly heard or if there are errors being made or injustices being committed, have a right of appeal to the Board of Education, which then looks at it and examines the complaint and makes rulings.

Q Now, Mr. Zack, there are certain criteria that has been set up for zoning in the City of New York as regards high schools.

For example, on the -- to promote better utilization of a high school, to further racial integration?

A Yes.

Q Recognize geographic factors, such as proximity of school to students, natural boundaries, major traffic arteries; is that correct?

THE COURT: Which?

Q Major traffic arteries.

You must also consider the transporation facilities and also to insure the continuity of education of the students; is that correct?

A Yes.

Q And one of the major pushes, as far as the Board of Education, since 1961 and '62, has been in the field of integration; is that correct?

A True.

THE COURT: In the field of --

MR. TODEL: Of integration, within the school setup.

THE COURT: Oh.

Q And I believe that Mr. Gopstein had put a question to you with reference to has anything that the Board done with reference to zoning has caused Lane to be in the condition that it was. -- I am saying in substance. I think he put a question to you at the end of yesterday's afternoon session.

Do you recall that?

19 Zack - cross

A Somewhat, yes.

Q And what was your response?

A The Board -- I indicated that the only moves made in that zone were to remove minority children from that school and not to remove white or other children.

THE COURT: And not to remove --

THE WITNESS: Not to remove the others. That, therefore, that when the lines of this school were being redrafted and rezoned the effort was to be -- was to remove numbers of students described as minority, Black or Puerto Rican.

As you remember, there were two such efforts of significance, one of them setting up a zone for Boys High involving an area that had formerly been attach ed to Franklin K. Lane and another was the following year to offer options to two of the big feeders out of one of our most troubled areas, Ocean Hill-Brownsville, namely I.S. 271 and 55.

BY MR. TODEL:

Q I see.

Now, Mr. Zack, was there any thought or discussion, if you know, with reference to increasing the

number of white children or other children to attend Franklin K. Lane zone -- Franklin K. Lane High School?

A I'm trying to recall. We must have examined it because we looked at the total picture of both Brooklyn and Queens.

Q Would you tell us when you looked at the total picture of Brooklyn and Queens?

A It's a constant. You would do it all the time.

Q I see.

Have you ever discussed this with anyone, with reference to increasing the number of white children in to Franklin K. Lane High School?

A I don't recall it in specifics.

Q In fact, you had been approached on numerous occasions by representatives of various community groups, teachers organizations, with reference to increasing the number of white children in the Franklin K. Lane zone?

A I heard from teachers but I did not hear from the community to increase the white population.

Q And you were aware, I believe you were the superintendent in charge of high schools, that in 1969 there was an attempt to obtain certain part of the Lindenwood and Ozone Park section of Queens into Franklin K. Lane and plans were drawn to that effect?

Do you recall that?

A Not while I was in office.

Q I see.

A It must have preceded it.

Q But do you have any knowledge about that situation?

A Only in the vaguest sense.

Q I see.

THE COURT: What year was that?

MR. TODEL: 1969.

THE COURT: For the year 1969?

MR. TODEL: That would be for the year of 1970, your Honor.

THE COURT: Oh.

MR. TODEL: No. I'm sorry. It would have been in May of '69 for the year of '69-'70.

BY MR. TODEL:

Q Dr. Nathan Brown was with the Board of Education at that time?

A That is right. This is, you understand, preceded the time that I came into the office of high schools. I came in September of '72 --'69.

Q You've testified that a number of things have been done to reduce the Black population into Lane.

A That is right.

Q For example, like the option program. There has been testimony there are about 1800 options in the option program from northern schools in -- in the northern part of Brooklyn to the southern schools.

Has there been any evaluation by the Board of Education with reference to how this program has worked out?

A In a statistical sense?

Q Yes.

A I don't follow what you mean.

Q All right. In other words, I know that -- does the Board conduct evaluations of different programs that it goes into?

A There are formal evaluations of the kind required, for example, when you fund a program. If you are talking about evaluation of processes that are in progress, they would be of a much more informal nature except for those structured things such as a reading component or arithmatic competence.

Q Would you say that the optional program of the Board of Education--in what catagory would you classify that?

A I would call that rather informal because statistically I don't know whether it would achieve. But mentions

of a success of that program are to be found that when you remove the enclaves and you invited people to make use of this option, it was highly successful.

In fact, the seats were oversubscribed.

Q That was oversubscribed when, in June of each year; is that right?

A In the first year we did it by enclave and also by local option and in the second year, the present, the one that affects the present composition of the school in Brooklyn, it all became optional.

Q I see.

Has any survey or evaluation been made as to the number of students who opted out to particular schools as to whether -- in June of the particular year, whether or not they attend the school in September and October -- has any evaluation been made by the Board of Education?

A I couldn't respond to that knowledgeably at this particular point.

Q You told a very interesting experiment by the Board of Education, which you participated in or probably helped start, namely, the Dewey High School.

A That is right.

Q And that -- from your testimony, was to have a proportion of the number of Blacks in the borough to the

number of whites over others in the borough?

A Yes.

Q Black and Puerto Rican?

A Yes.

I'm glad you made that correction.

Q Now, that type of school has an eight-hour day?

A That is right.

Q Is that correct?

A Yes.

Q And do you know what is meant by a self-screening process in education terms?

A I would prefer to say a self-selection.

Q A self-selection?

A Yes.

Q What would that mean?

A It means that in this particular school, students attend only if they wish to. In other words, that doesn't mean day by day. But they apply for admission to the school only if they choose to.

Q And they choose to and with the full knowledge that it is an eight-hour day?

A Yes, sir. With a full explanation of what the program intends to do.

Q For example, I believe that program has what they call an independent study section; is that correct?

A Yes.

Q What is that?

A This is a program --

THE COURT: It sounds like Vassar College now.

MR. TODEL: Yes. I'm --

THE WITNESS: Well, it is thought that there are youngsters who will direct themselves in learning if given the opportunity to.

Q I see.

And I think you --

A I'd better spell it out for you.

This doesn't mean that a youngster says, "I'm going to proceed to do this and I'll let you know about it later."

Actually, what was developed was something called a DISK, a Dewey Independent Study Kit, which the youngster agreed to undertake. And he then made use of the library facilities and also special areas in the school, badly overcrowded though they are, in which he could do his preparing, where we tried to make available to them teachers on a standby basis with whom they could consult and who would be available for study.

At the end of the given --

THE COURT: In other words, it was sort of like a tutorial --

THE WITNESS: Yes, sir. But not as closely structured as the Oxsonian method would be. But available because they are entitled to that kind of supervision and support.

THE COURT: Did the independent study kits have a sort of curricular content?

THE WITNESS: Exactly.

THE COURT: So that the student was free to make a choice among kits and perhaps suggest modifications in them?

THE WITNESS: Yes.

THE COURT: But they had to have a stable, minimal curricular content?

THE WITNESS: Yes. This was not intended to be a nothing. It was intended to be a study. But to be sustained on an independent level by the youngster with an appropriate assistance.

At the end --

THE COURT: Give me some idea. For example, could such an independent study thing be something like, say, Spanish language,

literature or what would it be?

THE WITNESS: I think anything would be susceptible to that treatment. I can't say specifically in language, though if you ask me to design it I could see how you would. You would make available a language laboratory, if you had it, tapes and other materials.

And the youngster would then do his own studying using the appropriate materials. It is particularly appropriate for areas like English study, for example, social studies, something that I cannot conceive of myself being able to do but I can see the gifted young people would be able to,study of math independently.

THE COURT: I understand, above all with the same sense of mysteriosity that all men of law have for arithmatic.

THE WITNESS: Absolutely. So that I understand that there are young people who can do this with remarkable success although I can assure you at any age I would not be able to do it myself.

At the end of a given period of time, in other words, at the end of the official

cycle because this school is re -- reorganizes at the end of every seven weeks, this youngster takes an examination.

If he passes it he's given credit for the course. If he doesn't pass it, then he can repeat it or go into a conventional classroom. It is an area in which we have had a great deal of concern because it has been attempted in other places and in most cases has not proved successful.

We are holding our breath in this school because it seems to be working. And it might be a prototype for other approaches for young people who can learn as effectively or differently without the regular classroom structure.

CROSS-EXAMINATION

BY MR. TODEL: (cont.)

Q In other words, then this type of program would not be for the type of student that goes to Franklin K. Lane High School?

A But you see, the cross-section of that school is withour regard to differences in socio and econimic background or color or what-have-you.

And this program is available to all of the students

here and not a selected population and is actually being picked up by many kids, not necessarily those who are gifted.

Q But those who can read?

A It's an important component, yes.

THE COURT: What?

MR. TODEL: I said, but those who could read.

A Now, that school, since you raise the question, there are programs for remediation for reading as well. It's called power reading, which is really a semantic way of giving an appropriate coloration to a remedial reading program.

But the students in there, many of them, have problems in reading of a significant kind. And if the power reading programs were to be successful then it would be conceivable that these young people would undertake independent study.

Q Yesterday, Mr. Gopstein had gone over a series of maps with you and starting in 1961 and 1962 that was a period of time when the Board of Education was beginning to get into the whole question of integrating the high schools in the City of New York; would that be correct about that time?

A I think that the Board had made pronouncements on its interest in integration even before that time. I'm

trying -- I'm guessing now but I think the first move in that direction would go into the fifties, I can't recall.

Q I see.

And if I recall correctly, there were no changes in 1961 and '62 in the Lane zone or for that matter on the map which shows no changed in the Queens zone on the northern part of --

A That's true.

Q -- of Brooklyn.

And the 1963 also showed that there were no changes in the northern part of the Brooklyn zone and 1964, there were no changes in the northern part of the Brooklyn zone. And also in 1965 there was no changes in the zone.

Now, we come to Plaintiff's Exhibit G or, rather, Defendant's Exhibit G for identification and I noticed yesterday that there was a change in the northern part of the Brooklyn zone, not of Franklin K. Lane, but of an adjoining Bushwick district,

A Which year was this?

Q 19 -- this is G.

THE CLERK: 1966-67.

Q 1966-67.

You notice this little tongue over here, which

goes into what has been testified to as "Little Italy" going into the Grover Cleveland zone?

A I can't speak of that out of personal knowledge.

Q I see.

But I take it this blue line here (indicating) refers to a zone?

A I would say so, yes.

THE COURT: Maybe you'll better look at the preceding map, so that you will refresh your recollection.

BY MR. FODEL:

Q Here. This is the area over here, (indicating) the Bushwich zone goes along Cypress Avenue.

A Yes.

Q Now, in defendant's Exhibit G, here is Cypress Avenue and the zone is in this fashion (indicating).

THE COURT: How far to the southwest does it come?

MR. FODEL: It goes all the way to Bloom Avenue, in Brooklyn, alongside -- and on the easterly side it's Stockholm Street and on the northwest side -- on the west side, the northwest side, is on Johnson Avenue.

THE COURT: That's original -- but what

from -- what was the starting border street again?

MR. TODEL: Cypress Avenue in --

THE COURT: No.

MR. TODEL: -- in Queens.

And Wyckoff Avenue, according to the map, Defendant's Exhibit G, is the county line between Brooklyn and Queens, and then continues into Brooklyn to Wilson Avenue.

THE COURT: Yes.

BY MR. TODEL:

Q In other words, a change had been made in a zone between Brooklyn and Queens?

THE COURT: What district did that district affect?

MR. TODEL: Bushwich, your Honor.

THE COURT: Bushwick.

Q Do you have any knowledge as to the basis upon which this change was made?

A I have not.

Q We'll have to go to the '69. All right. You can resume, please.

A Thank you.

Q You are aware that in 1969 another zone change

was made in the northern part of Brooklyn, along the county line, which removed part of a Lane zone, for example, and put it into Queens?

Do you recall the Forest Park Cooperatives?

A As I was saying, counselor, I was not involved at that point. So that I have no basis of experience or knowledge as to what happened or why it was done.

Q Do you know the community or the nature of the community in the Grover Cleveland zone, the makeup of the community?

A I think so.

Q And is it primarily a white-other community?

A Yes.

Q And can you explain, Mr. Zack, the fact that in Grover Cleveland in 1967 there was a 61.7 other population and in 1972 there is now an 85.8 other population?

A You're asking me if I am aware of it? I am, yes.

MR. TODEL: Do you have Exhibit 9, please? I'm sorry. It's not No. 9.

THE COURT: You are looking for Exhibit 9?

MR. TODEL: No. That's -- that was the listing of the optional -- I may have the

wrong number, your Honor. Excuse me.

THE COURT: I have a copy of it, anyway.

MR. TODEL: A copy, yes. Excuse me, your Honor.

THE COURT: Yes.

MR. TODEL: Q. I'm sorry, it was Defendant's Q and I thought it was 9, your Honor.

Return this to the Judge, please.

(Hands document to the Clerk.)

THE CLERK: Yes.

BY MR. TODEL:

Q Do you know whether or not there are any black students who -- and Puerto Rican students who live in the Grover Cleveland zone?

A I believe there are.

Q You don't know how many?

A Not offhand, unless I could scan some information. But some of the feeder schools in that area that feed into Grover Cleveland are schools with populations that are minority in origin.

Q Yes. I understand that, Mr. Zack, but I was just wondering, within the geographical limits of the Grover Cleveland zone, which you can see over here.

A Yes.

Q You say there are any black or Puerto Ricans living in that area?

A I would think there would be. I would say yes.

Q And the total number who were attending Grover Cleveland, according to Plaintiff's Exhibit 6, of Blacks, are 415 and Puerto Rican, 190.

A Is it possible to let me see a copy of that?

Q Surely.

A Thank you. Yes.

THE COURT: Just a minute.

BY MR. TODEL:

Q That's approximately 600 or so; is that correct?

A Which year?

Q 1972.

A Yes.

Q And on the optional program, in 1972, there were 318 children who went to Grover Cleveland from Brooklyn schools, feeder schools?

I'll show you Exhibit Q.

A Yes. Yes. Fine.

Q And then in 1971, we had about 252 children?

A Yes.

Q Who fed into the Grover Cleveland --

A Yes.

Q -- area?

That would be it possibly if they came from -- is this junior high school, would that J --

A J is junior high school. IS is intermediate school. Yes.

Q That means that students would be then in the 10th and 11th year, say, if a student entered in 1971, they would have been in the 10th year?

A If they came from a junior high school, yes.

Q Right. And that means that if they completed their course they would go into the 11th year; is that correct?

A True.

Q And that means in 1972, we had 318 children entering the school?

A Yes.

Q And that means there would be a total for 1971 and 1972, about 570 children coming from that area?

A Yes.

Q And the present Black population for 1972, and Puerto Rican population, was approximately 600 in the Grover Cleveland zone?

A Yes.

M flws.

THE COURT: I'm not sure that I understand your point.

MR. TODEL: What I'm trying to do here, your Honor, and I think from the testimony here and from the actual evidence, I'm trying to find out how well the operational program works or the feeder school pattern works.

THE COURT: Yes, but I didn't understand your use of Exhibit Q.

MR. TODEL: Q would show the number of students who live in Brooklyn who are in chief in Brooklyn who feed into Queens.

THE COURT: Yes, I know. But I thought we had it yesterday that you could cross to that Exhibit Q.

MR. TODEL: Yes.

THE COURT: And it's a cross-total which would mean that looking at Exhibit Q would give you in the cross-total the total number of people offered the opportunity to go to Grover Cleaveland, who they opted to do so, and persisted in high school, would be in Grover Cleaveland. So that if every child in the feeder schools offered the option took it up and went

and stayed to graduation, there would, the academic year 1972, the current one, be 865 Brooklyn children in Grover Cleveland under the option program. Not necessarily all Black or Puerto Rican, I guess.

THE WITNESS: In the main, there would be.

THE COURT: But --

THE WITNESS: Yes, sir.

THE COURT: But substantially --

THE WITNESS: Yes.

THE COURT: (Continuing) -- whereas the figure for Grover Cleveland shows a total presence of Blacks and Puerto Ricans in 1972 academic year not in excess of 605 children.

Is that your point?

MR. TODEL: Yes, your Honor.

In addition to which his testimony has been that there are Blacks and Puerto Ricans living in --

THE COURT: That is by transfer. There are not enough children there, Black and Puerto Rican children there, to account for all the transfers without opening up the subject of the

district who were there by Divine Right or whatever.

BY MR. TODEL:

Q Do you know where Junior High School 111-K is located?

A I'd have to look. I don't think it's listed on this map. Let's look over here. It may be on this one.

THE COURT: What is that?

MR. TODEL: Junior High School 111-K, where a large number of students have gone to.

THE WITNESS: Is it on that listing? Are you referring to up here?

Q Right.

A Yes, I think that would be in an area contiguous in the existent district.

I would like if we had any way of visualizing it to be able to see it a little better. This doesn't give schools, either.

Q All right, have a seat.

A I believe it is contiguous.

THE COURT: To?

THE WITNESS: Contiguous to the district of Grover Cleveland.

Q I think there has been testimony that there

still is an enclave of students coming from Brooklyn into Grover Cleveland and would these schools be within that area?

A No. I think it probably has been brought out in testimony. I wasn't here when it happened. Grover Cleveland at one point was having a modernization and at that point the enclaves from Brooklyn were closed off because the physical condition of the building required that the population be reduced. That is being restored now and one of the restorations is what you find at the bottom of that list where these youngsters disappeared and now are coming back.

In other words, those which had no youngsters coming into that school and now are suddenly showing large numbers are in an enclave in Brooklyn not contiguous to the district.

Q What type of enclave went on in Grover Cleveland that you reduce the size of the population?

A Among the things you do in a renovation is change the lighting, to modernize rooms, to refurbish, to paint. You do a whole series of things to bring it up to a standard. During the process of that happening, areas of the school must be closed off because safety factors will enter into it so that the availability of space is constantly changing in the school as this is happening. Therefore you do not have the full utilization of your building and you must make

provision, from a safety standpoint of view, so the school can be worked while school is in session.

Q That was a substantial renovation, probably four or five million dollars?

A Possibly, yes.

Q Do you know whether in the last year and a half there has been a substantial renovation going on at Franklyn K. Lane High School?

A I believe there has been.

Q The same type that you just described?

A That is right.

Q Thirteen rooms not being used and so on?

A That's right.

Q There hasn't been any reduction there?

A No. There has been a reduction.

Q There has been?

A There has been a reduction because if you go back in figures that you find in one year we cut back from 125 percent utilization to 105 and that we have been removing students constantly from that district in the last two years, as you know, by Boys High zoning and also by the options being offered to the Ocean Hill-Brownsville young people.

I think you're also aware of the fact that during all of this, the school was maintained on a single-session,

which it may not have been.

Q In other words, there's been a reduction in the utilization of Franklyn K. Lane in 1971; is that correct?

A No. There has been a removal of people or rather an option provided which does not necessarily mean that it worked out as a reduction.

Q In other words, then they may still have, for example, in 1972, 4913 students there?

A That's true, sure. I think you understand, Mr. Todel, that we have a growing population in many of the areas and that even though you begin to close down the physical limitations of the area, that there has been a growth of population.

Q I was just wondering, could you explain, since you were the superintendent in charge of high schools, on what bases was Grover Cleveland's population reduced and on what bases was the reducing of the number of Black children attending Grover Cleveland and on what basis was the number of students attending Franklyn K. Lane; would increase, other than the question of increase in population, would there be any other factor?

A I would believe that Grover Cleveland was seriously over-utilized at that particular point and therefore the factor of over-utilization and modernization required that

that population be reduced for the interval. At the same time -- well, all right.

Q Do you have a rather vocal and strong pressure group in the Grover Cleveland zone?

A I was not subjected to it because I wasn't in office when these changes were taking place. In other words, when the school was being modernized and these moves of closing out the enclaves, I think, they took place before September 1969.

Q Before September 1969?

A I do believe so.

Q Have you had any contact with Grover Cleveland's community?

A No.

Q None at all in the three years that you have been the Superintendent in charge of high schools?

A No. But, I have, with Franklyn K. Lane.

Q Pardon?

A But, I have, with Franklyn K. Lane.

Q Is one of the factors involved with reference to how a schools runs, how much contact you have with the school and the fact that things may not be going right in the school does that necessarily mean that there's something wrong with the school?

A I'm trying to define the nature of your question. I'm having trouble, Mr. Todel.

Q Let me rephrase it.

Lot's of times we hear of situations and it has been said with reference to the Board of Education that the superstructure -- and I use it in those terms -- likes to see that everything goes well in public schools and high schools and that no one comes down to the Board to really bother them with real problems which may occur in the school. I may be wrong on that.

A I would think you're wrong, yes. The fact that nobody comes down is no indication of the success or absence of success in the school. In fact, I would say to you that people who come are most likely the parents of John Dewey High School and many times are clamoring for things.

Q I see. I arranged it at this point because you seem to mention you've had contact with Franklyn K. Lane School and I was just wondering whether that in and of itself raised a question in your mind as to the problems of that school.

A It does not. It does not.

Q And, in fact, it may mean --

A There are many parent groups in many communities that appear at the Board for a variety of reasons and the mere

fact that they are there does not institute a criticism of the school or its administration.

Q Or that the fact that teachers or the principal may raise certain problems with the Board of Education or the administration, that would have no bearing; is that correct?

A That's true.

Q When you were questioned today with reference to the statistics of the City of New York and what was happening, I was just wondering, have you ever heard of the term being used by the Board or representatives in the educational field about lost schools?

A Not in that particular language.

Q Do you know what a lost school is, in any language?

A I don't really know, frankly.

Q Have you ever used the term?

A I have not.

Q Have you ever heard the term used?

A I have not, in my presence, no.

Q Have you read about it being used?

A I've heard about it being used. Is that what you are reaching for, counselor? Yes.

Q What context did you hear about it being used?

A It's a rather unsympathetic idea. I'd have difficulty defining it for you.

I suppose it would be used when a population shift is of such a nature that the capacity or that it begins to move towards total segregation. I suppose that would be the intent, but I don't use it and I'm not sympathetic to it and there it is.

Q I see. And what does it mean when a school becomes totally segregated in terms of education, in educational terms?

A Segregated is used to describe a school which becomes racially one kind or another, totally.

Q What does that meaning have toward the education of the students who are in that school?

A It could mean a population who is segregated in terms of highly-privileged or it could be segregation in terms of poorly-privileged.

It could also mean segregated according to color.

Q Are there any highly-privileged Black segregated schools in the City of New York?

A No.

Q Would you consider Lane a lost school?

A I do not.

Q Would you consider it a segregated school?

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A I would say that it's more segregated than other schools in the city, yes. Not as segregated as some.

THE COURT: What?

THE WITNESS: Not as segregated as some.

Q And I take it from a few questions before that I asked you that you think there may have been some discussion, but you're not specific as to the fact that there could have been some affirmative action with reference to the rezoning of Lane with parts of Queens?

A It's a rather complicated question, Mr. Todel. Are you saying if I am aware of efforts to change the Queens area, of the zone?

Q To change the area of Lane with reference to Queens?

A I have no personal experience with it.

Q Do you know of any attempts or discussions in the Board with reference to that?

A They are sufficiently vague as far as I'm concerned for me to be able to comment with any knowledge.

Q I have been advised that you had told someone and I may be incorrect. I can only go on the basis of information given me, that you had said that if this particular lawsuit was successful, as far as the plaintiffs were concerned, that this would be the end of public

education here in the City of New York?

MR. GOPSTEIN: Your Honor, could we be advised who told Mr. Todel that?

THE COURT: I'm sorry, sir.

MR. GOPSTEIN: Mr. Todel said he was advised of a certain statement.

THE COURT: I think what he said is: I don't vouch for this, but I have been told that you have been heard to say.

MR. TODEL: That's right.

THE COURT: Is there anything to it or did you ever say it?

THE WITNESS: I don't think I said anything in that particular language.

Q Had you said something which related to that, possibly the person has misunderstood you?

A I would have specified a concern about an attempt to homogenize the schools, the high schools of New York City, which because of its scope and because of the tremendous areas of concentration of minority peoples might represent any impossible administrative problem.

Q One final question, Mr. Zack. Two final questions.

Are principals evaluated by the Board of Education;

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are they given ratings?

A That was just introduced for the first time.

You see, principals along with everybody -- the supervisors are rated at the end of every year and they are given a satisfactory rating or an unsatisfactory rating, as the case may require. This past spring there was a more extensive evaluation made for the first time and this was an appraisal along on a checklist of all of the principals in the high schools. That was completed during the summer and therefore I have no knowledge of particular instances, although I know the form that was used and the requirements made of the Superintendents.

Q During the period of time that you were Superintendent of High Schools, did Mr. Selub receive a satisfactory rating?

A Yes, he did.

MR. TODEL: No further questions of this witness.

THE COURT: We'll have a short recess now. Are you going to have some redirect?

MR. GOPSTEIN: Yes, sir.

(Recess taken,)

THE COURT: Was Z ever marked in evidence?

MR. TODEL: Yes, it was, your Honor.

I believe we have that exhibit.

REDIRECT EXAMINATION

BY MR. GOPSTEIN:

Q Dr. Zack, perhaps we can start with my taking the last question first, while it's still fresh in our minds.

You were asked by Mr. Todel in regard to ratings of the principals and whether the particular rating of satisfactory had been given to Mr. Selub and you answered to the best of your knowledge it had been. Now, could you perhaps explain to us what the rating of principals and perhaps teachers, too, means when we talk of satisfactory or unsatisfactory; what does it imply and what doesn't it imply?

A You mean in the last question here regarding report sheets which I mentioned previously it has been at all levels of the school system, after every person has gone off probationary status onto regular status?

There are two ratings that are possible: One is satisfactory, the other one unsatisfactory. A person that is rated unsatisfactory is subject to a variety of procedures that might lead to dismissal. Satisfactory covers everything about that range.

Q It would be very close, if not a minimal passing grade?

A It doesn't have to be. It merely describes that the

person is not unsatisfactory, in essence.

Q If a person is rated as satisfactory, there could still be many problems or difficulties in the performance of that person, could there not be?

A Yes.

Q It's hardly a shining mark of approval of the person's performance?

MR. TODEL: I really don't want to object. I'm sorry.

A It's as I've said. It distinguishes a person who is unsatisfactory and a person who should be looked at with an intention of dismissal between him and all the others and therefore is a minimal description that makes no further comment on abilities.

Q Could I perhaps also ask you to maybe clear the air a little bit and sort of I guess gingerly mentioning Mr. Selub's name periodically in sometimes referring to the administration or principal. I gather it is not your intention to personally criticize Mr. Selub?

A That aspect of tone, if it develops, is making me distinctly unhappy. I think we're looking at a problem and it would be unfortunate if this turned out to be an evaluation of the performance of a principal. There's another arena for that, if it were a matter of concern.

But I would not want to give the impression that I'm indicting the man.

Q The comments you have made are based on your experience in evaluating the problems of the school and what could have been done and what you think was done?

A Yes.

Q You were asked at the beginning of the day in regard to some of the programs, some are city-wide and some are more local on remedial reading and some designed to meet a whole host of problems. You stated and you want to say again, are we doing enough. That is a question that was asked a number of times throughout this trial. Perhaps you can give us again your thoughts because we've talked about so many different problems, some specifically at length, some city-wide, hypothetical programs, some city-wide. Can you relate to the question of are we doing enough?

A It is obvious in a timeof stringency and almost change on the part of the national administration, monies which should be going into education are becoming severely restricted. The fact of the matter is that an expenditure of monies from the federal agencies have required a strait-jacket of rigidity. Certainly, we are attempting to do many of the things that need to be done.

Q You referred to the decentralization from the

high schools and I think you talked about the responsibility of the principal under such a system. Would I be correct in saying that this does not mean of course that the central high school office will never interfere or be interested in the problem? Does it give the initiative and expect performance from the principal?

A I would have to agree with your description of it. We are certainly not relieved of the responsibility to supervise and to assist and to work with the problems in schools. But we also recognize that our principals are people of dignity and quality and encourage them to operate independently.

If you are looking for some examples, I think I can provide them for you. At one time I proposed to the principals of the high schools that if we said to them the only requirement placed upon them of the high school office would be they meet the state requirements of education with regard to what is education. Beyond that, would they be ready to undertake complete control of their education in the local scene. I think this was a start in a direction which has expanded. It's a belief that I personally have and it is a gesture not in the sense of anti-jesture, but I thought that a move philosophically as to where education ought to go, bringing it closer to home, the students, his faculty,

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all of those involved in that particular school, gives it sort of an identity and individuality which is critical.

If we examine our high schools throughout the city, there are no two schools which are exactly the same. I will say also one of the most important imports as to the differences are to be found in the principals who lead them.

Somebody said the school is as tall as the shadow of its principal and, I think, that's a very apt description. You will find the Board of Education is going to at this moment -- a block of money will be given to a high school and the principal of the high school will appropriate advice in his own area, will administer that money as he sees best, to his educational problems.

Q Looking at the role that the central office is playing, well, the degree of involvement in various schools, you've said that obviously they have performed a supportive function in many respects and I think you testified this morning, did you not, as to the unusual degree of involvement of the high school office in the case of the Franklyn K. Lane situation as opposed to some other schools? I think you were -- I don't know if you had completely expressed your thought on it this morning?

A I think I should tell us when I first took over the high school office with more prevaility than I had since I

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took on a district, and in that area, or, in other words, in that group of high schools was Franklyn K. Lane. So that in 1969 I was personally directly in charge of Lane High School along with a number of others.

Q As head of the district?

A As head of the district as well as head of the office.

Q Just to digress, how many such districts are there in the city?

A When we say district, I'm using the term I think poorly. We have five areas assigned to five superintendents.

Q I see.

A My function has been in the past to coordinate all of these five as the operating head. But, at that particular point, I not only was fulfilling total supervisory function, but I was specifically taking one of the areas and handling it as well.

Q I see.

A That included Lane and for that reason I had even deeper personal awareness of the school at that particular point.

Q Was it necessary for the high school office to provide perhaps more assistance in the Lane situation than has been necessary in other schools that you have described as having similar problems, for example, Brandeis; has it

been?

A Not direct supervision. In '69 Lane was having great difficulty with violence and a number of other problems that were plaguing the school and therefore, as one directly responsible, I naturally was very close to the situation and on the other situation myself, personally, in many cases, and when I was unable to come, because the burdens of the office were of such a nature, I also made available to the school the services of a senior high school principal, who at that time was working in the high school office by assignment and I subsequently sent to that school as well a principal, in turn. A person who is at that point going to be a high school principal, but who is serving an internship in another school. I took him from that other school and sent him over to Franklyn K. Lane in areas that might be available in helping to resolve the situation.

Q Are these common steps, are such former principals or interms, are they usually supplied to high schools?

A They are unusual.

Q We have been hearing a great deal about some of the special programs in the city and also in Lane and I think Mr. Todel observed that-I think he used the number 600 or so-that might be covered generally by one or another of

these special programs. I would like to clearly get your testimony on this. We're talking of a Lane population of 4400. I think you've testified as to the usefulness of some of these personnel. Is there much that a principal can do with those other people with the regular resources given?

A Of course, it's a high school. The staff is assigned. Instructional time is made available. This school is operating as a high school. Nobody is being written off. If you are saying, for example, that an effort is made on a target population of a special need over and above, then there's a tendency to provide for a very special population within the limits of what's available. All the students are being instructed and personnel has been allocated to provide education for all of our youth.

Q In other words, yesterday when we went into quite a bit of detail as to all these additional resources and we talked about tax levy, we were then talking about the 4400 students?

A Yes, we were.

Q We were not talking of those 600?

A No.

Q When we talked of additional resources, this was very much in this area?

A Yes, sir.

MR. TODEL: I think the figure in 1972 was 4900.

THE WITNESS: Let me say, as we explain the formulas that were developed, you will have noted, I think, as you said, that using the base of retardation in reading, there was an additional input of personnel to be made available to the school so that the school could attempt to take programs in steps to provide for the people who are less well-equipped.

Now, instruction has not stopped and the reach-out is to provide extra, where extra is needed, out of tax levy monies as well as in other areas.

I think it must be said that we are educating all of our young people and it would be unfortunate indeed if it were made to appear that we were concerned only with those who are disadvantaged. The whole population must be educated and to the best of our ability, to make provision.

It so happens that much of our resources that are available in any kind of form that can be made additionally available are addressed

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to those young people whose need is apparent that we must make an effort to help equalize opportunity for them. But, we are sometimes subjected to criticism, I must say, because we don't appear to make special provisions for our bright students and they would be a population in that school system that perhaps should have some effort made in their direction. Nevertheless, my own feeling has been right along, your Honor, that we sometim. tend to neglect the great unwashed because they don't come to our attention and-I've always felt that somebody should stand guardian of these young people to see that they get their even, fair shake under the whole process. It would be unjust to indicate that we are not concerned with the education of all the students.

Q There was also a great deal of questioning this morning about some of the problems or the degree to which that we have retarded readers and perhaps some of the programs that do or do not exist to help such students.

Now, maybe it's an obvious question, again, but the problems of students with reading difficulty, this is hardly unique to the Lane High School?

A It's a city-wide problem and I think the statistics that have been published in the newspapers indicate the scope of that problem. It is concentrated in many areas more greatly than in others, but I think the problem must be recognized as city-wide in its impact.

Q And some of these children with low reading scores, from maybe IS 271 or other schools in the western end of the zone, if that was cut out of Lane and perhaps ceased to be Lane's problem, I presume it's still your problem?

A Indeed it is.

Q It would still be the problem of the school that they went to?

A Indeed it would.

Q I think we've had testimony by Mr. Anker just looking at the schools in that area, some of them might have perhaps more severe problems; some of them might have more difficult problems?

A I would think so, and rather close at hand, too, by the way.

Q You were also asked about programs, I guess, and whether there is a perfect solution to the reading problem that we are sure will produce certain given results. I believe you said we are trying. Of course, there is no

perfect answer. Also, I think there was an implication as to whether the Board itself had developed programs that help children. Now, the special programs, most of them that we were talking about, were they developed on a local level or were they central programs?

A If a program on a local level developes and shows some quality and you would try to institutionalize it and make it available on a broader base and set up an umbrella.

For example, a number of the programs with which we are dealing with developed centrally. The remedial program under Title 1 would be such a program. There are individual programs which have been developed by some schools which merit attention. I think I mentioned a program called the Gattegno Reading Program, whose ultimate value will have to be determined, but in this particular case the designer of the program is working with colors in association with reading, which is an interesting approach to the program, and this particular school the principal found this a program that he wanted to pursue and pressed for it and money was allocated after it was approved in the usual way. So, that there's a mixture of both. There are central operations and also centrally we do try to serve the function of discovering if we haven't developed it centrally and it has developed in the field. It is good and made known and available to

others so that they in turn will benefit by it.

When you take a central program like the remedial reading program I discussed, it would operate directly under the Bureau of English, who will provide field supervision support services; call together the people involved in the program in conference so they can exchange views and knowledge. So that we're aware in attempting to go and get to the problems as they are apparent and obviously have need for resolution.

Q Have you found the same initiative in reaching out for such programs at Lane as you have in many other high schools in this city?

You mentioned Brandeis, for example, I think we discussed that as a school with severe problems; is that a school where you would find such problems?

A I would have to say, on a comparative level, it is much more aggressive about reaching the plans and designing them in the field and there are several there that are quite unique.

Q We were talking this morning about the guidance services ratio and I think perhaps we may have just to clear up something that would tie into yesterday's testimony.

Yesterday you testified about the guidance -- let me find the page -- about the ratio by which guidance services

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are allotted to the schools and you testified from the profile that the ratio was one for every three hundred to 90 pupils retarded two years in their reading. One for every 460 of the remaining pupils?

A That's right.

Q You testified in regard to the actual ratio in Lane and we saw that the number of positions were approximately 32.6 positions and a ratio of 100 to 151. Perhaps this needs some clarification.

When we take the 32.6 positions, these would represent positions above and beyond those that would result strictly from the formula; is that correct?

A The formula, if applied to the -- I have to follow down that with you a little clearer.

Q In other words, if we took, for example, Lane High School and assumed that we have many readers there who might be retarded two or more years; assume that they were, roughly, given one guidance counselor to every 400 students.

A Guidance services.

Q Excuse me, guidance services. One to every 400 in a school the size of Lane, we would wind up with approximately 12 guidance positions; would we not? In other words, 400 into about 3800?

A That would be the allocation, approximately.

Q Now, we see in the profile that we have 32.6 positions, in other words, approximately 20 more such positions.

A Yes.

Q And I think you testified, and I want you to clarify this, where the leeway comes in, you testified this morning that the principal had a great deal to do with this?

A Yes.

Q As to how many people he assigns to substantially -- to use a substantial amount of their time to guidance positions and their 32.6 figure reflects what has been done at Lane.

A Yes.

Q Now, this is, I presume, the figure that you said you have been critical of, the over-use of teachers for guidance and other purposes; is that correct?

A I was trying to draw a distriction as to first objectives in education and it seems to me the first objective is to teach children. Guidance is a very important input, but it has to be relative, in my judgement, as to the amount of time or energy you would spend on it and, unless there are other reasons than the ones merely of choice, as to where you're going to put your manpower, that figure in my judgment should be smaller.

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Q But, the use of a single session might make it difficult to use more of your teachers for teaching purposes?

A I would draw that conclusion as one of the assumptions of the single-session in this instance where, if there is no providable space, you cannot provide instruction. If that is the reason for that kind of selection and if we agree that the education is the first objective and then we may have to yield an ideal situation to a more responsive educational product. In that case, one might want to think you would want to give up your single session and go beyond single-session to provide better education.

THE COURT: To go back to 32.6 on page IX of Exhibit A, under the letter B; I thought that the number of persons made available for guidance services was -- would be the formulary derivative of the application of that standard there. In other words, one for every 390 pupils retarded two years or more and one for every 460 remaining pupils with not less than 3-1/2 for an entire school?

THE WITNESS: Yes.

THE COURT: And I had assumed that that would produce the figure 32.6.

THE WITNESS: It would produce a much lower figure, your Honor.

THE COURT: And then the rest of it would be utilization of positions otherwise derived?

THE WITNESS: Exactly.

THE COURT: Including regular staffing or including extra staffing only?

THE WITNESS: Including all of the staffing.

Now, I think we have to draw a distinction, here, your Honor. The positions allocated here are positions which come out of tax levy. There may be additional positions which would come out of reimbursable funds, so called, and I think Lane had a number of those, so that if you did a strictly arithmetical breakdown it would not be true of what is minimally available, but then almost all schools would go beyond this minimal allocation.

It's a question of degree, I would think.

THE COURT: In other words, all those guidance figures are far and above the use of the 400 figure or the 390?

THE WITNESS: In a range, your Honor.

BY MR. GOPSTEIN:

Q Just to return, for a second, to some of the situations or advice that you have given to Franklyn K. Lane High School, during 1969, after you took office, I presume you said you were quite familiar with the situation at Lane and you supplied some additional administrative people to help with the problems of the school?

A Yes.

Q And was one of the suggestions that had to be made of greater parental involvement, greater involvement of the parents association?

A Yes. I think that the presence and involvement of parents is a good -- well, how shall I describe it -- is a highly desirable and productive approach. I think, in general, that the presence and the interest of parents is much to be sought after and their input of a highly desirable kind. So parents should be involved and certainly in periods of crises they should be more than ever deeply involved.

Q You didn't find that it was quite as it should be in that situation?

A I don't think that particular point that there was enough contact in my judgment to have produced the best kind of presence in this situation.

Q Was it also necessary or suggested a consulting

council be formed?

A Well, this has been mandated for the high schools and every high school is expected to set up a consulting council consisting of parents, students, teachers and community members, where such members could be identified as an appropriate input. At that point it had not yet come into being at Lane and I thought organizing it was a highly desirable step to be taken as quickly as possible.

MR. TODEL: May I have the time when this was stated?

THE WITNESS: I think it would have been at the point of considerable turmoil at Lane and it would have been probably in the fall of 1969.

Q Now, could you just explain briefly the consultative council, what this does?

A The consultative council is supposed to meet with the principal on a regular basis and to introduce and have introduced to it problems and concerns affecting the school itself, educational programs and its general life. It's a forum for discussion with the principal of all matters affecting the schools. They have proved to be particularly valuable in the moment of crises in the schools in that they've served first of all to ventilate problems and, secondly, to

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provide an input of support or explanation or involvement in its resolution. This kind of dissemination, generally, has proved to be one of the better inputs in trying to meet the difficulties with which we are confronted with a degree of consistency.

So, the involvement of the culsultative council has been, on a whole, a very positive change in the development of the schools.

Q Who are the members of such councils?

A Representatives of students, representatives of teachers, representatives of the parents and, in some cases, other community agencies.

Q You urged that such a council be set up at Lane?

A That's right.

Q It was not in existence?

A It had not come into being at that point.

Q Did you also feel that the elect of the student general organization, that is, it would be advisable to hold them at that point and have such an organization?

A Even though it represented difficulty for the students to have an organized voice, it was highly important.

Q So, in all three areas, both parental involvement, the consultative council and the student general

organization, at that time, you felt that steps should have been taken and at that point to set up such an organization?

A I made such recommendations to the principal, yes.

Q You were asked earlier this afternoon again about the question of zoning procedure and we had introduced into evidence a document referred to earlier. Of course, you are familiar with the Court's discussion of this matter yesterday, but I would just like to ask you in the kind of procedures that are followed now, I'd like to restate again the types of community groups that are involved, advised and asked to give their opinions quite aside from just the educational officials, but what other community or parental groups might be involved in order to get their view?

MR. TODEL: If the Court pleases, I think we've had this, generally, earlier in the testimony and I think I went over it and I think we've introduced it into evidence. The community groups, parent organizations, groups within the community, to go over it --

THE COURT: I thought it had been covered.

MR. GOPSTEIN: The only reason, your Honor, I don't have the procedures in that document exactly in my mind at this second, but it occurred to me that perhaps some of the things that Dr. Zack

described yesterday were really an addition to that and I just really wanted to have that pointed out. It may be a very brief answer to that.

THE WITNESS: Yes. Where a group at all representative asked to have an additional hearing beyond the regular formulations that we've described, almost invariably, these people are heard. They will come in and confer with the appropriate superintendent or possibly with me as well, if they have something that they think needs to be said before and after any decisions are beginning to be formulated so that not only is there the regular structure, but those who want to come in, outside of the regular procedures, are accepted and listened to. That has happened in a number of instances and although it's time-consuming it's a very desirable device or opportunity for people to feel that they would be listened to.

Q You were asked by Mr. Todel about your involvement or what you know about the Grover Cleveland community and there were some questions directed toward that and you were asked, I believe, whether members of that community have

approached you and I think you have heard that the Court's concern about the possible directions which these types of pressures might manifest themselves under the existing procedures.

Now, I would like you to perhaps clarify your remarks in that direction: have you been pressured, I think, was the phrase used, by a variety of white groups in Grover Cleveland not to change the zone?

A No, I have not been. I have not been pressured by such groups, although as a person involved in schools, you do hear from communities on a variety of subjects in a variety of ways. Parents will confer with you and others will come in, but I did not receive direct pressure from any organized group at any point to maintain the white community in Grover Cleveland.

Q So what change or lack of change we have had at least in the northern part could not be attributed directly or implied to the fact that we have white groups there that have come into the Board of Education and say, "We don't want this zone changed"?

A They have not come to me.

Q So when you commented before that you have not had contact with the Grover Cleveland community, were you saying it in this contention?

A Only in the context of pressure about zone changes.

Q And finally, we were given some figures as to the number of the Black and Puerto Rican population in Cleveland; the number who have come from enclaves in Brooklyn to Grover Cleveland and I think Mr. Todel was implying there maybe some inconsistency in the figures, but could I ask you first, is it necessarily true and I think the Court has alluded to that, all the students who might come from Brooklyn into Grover Cleveland are Black and Puerto Rican?

A Not necesarily so.

Q Parts of them might be white?

A Yes. There are a number of schools which are contiguous to Grover Cleveland which would represent a mixture of the population.

Q And they too send their students into Grover Cleveland even though they are in Brooklyn?

A That's right.

Q Then, of course, also you have the figures that we have introduced here, Defendant's Exhibit Q.

I think as you've pointed out before, such figures are always the initial figures of students who are assigned?

A Yes. However, if I pursue this for a moment, the zone which has now been set up, the enclave will be deep in the heart of the ghetto area and will almost certainly

totally be minority grouping. The last two groups that you see that suddenly appear on that list would be an enclave not contiguous to the Grover Cleveland community and therefore would be a minority group going into that school.

Q And according to present projections, do you anticipate that the Black and Puerto Rican population of Grover Cleveland will stay as it is or decrease or increase?

A It inevitably must move in the direction of more minority, if nothing else, but stand still. The school itself as it's on the border of Brooklyn and has a Brooklyn input, but it's along the area of Bushwick Avenue and beyond and that whole area as you go through it and as I have done, is an area which is in transition. It is inevitable that there will be Black and Puerto Rican families that will be moving into that area and becoming members of the Grover Cleveland community.

Furthermore, obviously zoning is something that is done every year and if for example it is found that Grover Cleveland continues on a pattern that is typical of what it ought to be, more emphasis will be made for youngsters to be brought into an area from ghetto areas and therefore we will have to find for those who we cannot accommodate who represented something like 10 to 20 percent, until we made finality ratings in the past year and tried to pick them

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up, there will be some pool of young people who will not be able to take advantage of the open admissions because there will not be enough available seating. It is logical that Cleveland will become such an off-spot and will be utilized in that direction.

Q With the completion of the centralization project, this, by itself, will lead to a higher Black-Puerto Rican population?

A It has already succeeded the enclave created there and the others that would have been set up in order to take care of the needs in the ghetto areas of Brooklyn.

MR. GOPSTEIN: I have no further questions.

MR. TODEL: Just two or three questions, your Honor.

RECROSS EXAMINATION

BY MR. TODEL:

Q I wasn't aware, Mr. Zack, that you have a specific responsibility in Lane when you became the superintendent in charge of high schools of the City of New York.

A I did.

Q Just related to that particular period, that was an election year also, wasn't it, for Mayor of the City of New York, wasn't it, 1969?

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A If you tell me so, I'll buy it; but I don't recall it.

Q You don't recall it, because I'm quite sure -- don't you recall?

A If you say so, I'm sure it was.

THE COURT: If it was, it was the year the Mets won.

MR. TODEL: 1969.

THE WITNESS: I will tell you that I remember a meeting on this problem in the Mayor's Gracie Mansion.

Q There was quite a foray with reference to Franklyn K. Lane High School at that time?

A Indeed there was.

Q Would you say that was a rather difficult situation?

A It was difficult indeed, yes.

Q You say it was quite unusual to provide services of an intern principal to a school in that condition?

A It was an unusual situation and therefore we took unusual measures.

Q I want to place the category of the use of the word "unusual," there.

A I will be happy to expound it.

Q I just wanted to clarify that.

A That doesn't mean, Mr. Todel, if we are going to expand the picture that other schools haven't had crises. It would be unfavorable to name Lane as the only one.

Q Unusual efforts were made in reference to the Board sending an intern principal?

A Yes, and the senior principal to be present and myself to be present, with a great deal of frequency.

Q There wasn't an act of the parent association?

A Not in the sense that I have received it at the time that I recommended that there be a move in that direction.

Q Have you participated in parents' association meetings?

A Yes.

Q Over the years?

A Yes.

Q And --

A I will confess that at this point it's a little remote. My daughters have grown considerably, but I did.

Q You felt that there should be a more active parents' association?

A I thought so and I think so. I think that the problems of education in this town will get their best kind of hearing if the parents are interested.

Q Did you follow up on that with reference to the

parents' association of Franklyn K. Lane? This was in '69; did you find out if there was a parents' association in 1970 and 1971?

A By 1970, my contact in a direct sense had become more remote because we brought in another superintendent that picked up the area that I've been handling.

Q Were you not familiar with the situation?

A Not to the degree I would have been before.

Q With reference to the consultative council made up of parents, teachers and students; and is that in existence in all the high schools?

A It was mandated for all high schools.

Q There wasn't any in existence at Lane at that time?

A It had not come into being.

Q When was it mandated for all high schools?

A In September '69.

Q That was in September '69. You don't know whether or not the consultative council was actually then elected and started operation?

A It had not, in September '69.

Q It had not in September, but that was when it was first mandated by the Board of Education for all high schools?

A I would say September or possibly the spring before.

Q And you said there wasn't any elect of a students' organization there; is that right?

A The consultative council had not come into being. Processes for it coming into being had not yet taken place.

Q You didn't follow up whether it did or did not take place?

A I would suspect it did come into operation because it would have come to my attention subsequently when I was monitoring all schools.

Q In 1969, some of them were not even mandated until 1969?

A They were mandated at that point.

MR. TODEL: No further questions of this witness, your Honor.

MR. GOPSTEIN: No further questions.

THE COURT: You are excused, Mr. Zack.

THE WITNESS: Thank you.

MR. GOPSTEIN: I have no other witnesses.

MR. TODEL: Your Honor, if the Court wishes to continue, I would just put on Mr. Selub for a few questions, your Honor.

THE COURT: Well, is that desirable? The last time it was a full day, when you said a

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few questions.

MR. TODEL: With reference to Mr. Anker, it did extend itself.

THE COURT: Well, you can try and see.

MR. TODEL: Mr. Selub.

THE COURT: You have already been sworn.

S E L U B , previously sworn, examined and testified further as follows:

DIRECT EXAMINATION:

BY MR. TODEL:

Q Mr. Selub, in 1969, Mr. Anker had testified here that something had occurred in the school where a number of children were discharged from the school and the implication of that was that you had done this and I questioned Mr. Anker specifically, whether or not before any discharge of the students, whether or not you had conferred with anyone in the Board of Education or in the City of New York before any action was taken: are you familiar with that situation?

A Yes, I am.

Q Will you tell the Court what occurred?

A Yes. In December of 1968 there was a great deal of difficulty at the school. It was the start of the student unrest which was taking place through many parts of the City.

Right after the end of the UFT strike of 1968, and we

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were one of the first schools to be hit by this. We had a series of assaults on teachers and assaults upon students, with threats of job action by the teachers, unless something was done to rectify the situation.

There was a great deal of stress and strain in connection with maintaining safety and security in the school. There was a meeting held in the winter of 1969 in my office, attended by a number of people, among them, the superintendent of the district 19, Elizabeth O. Dailey; a representative of the Mayor's office, whose name I think was Dave Love; Superintendent Anker; some members of the UFT, either Arthur Clinton, who was then Director of the Bureau of Atterdance or his representative and members of my administration and I. And at that meeting, the question was raised of taking actions for the spring term that would permit the school to operate more safely, since one of the fundamental problems there had been an overlapping session and in order to reduce the school population down to the size that would permit us to run on a single session, we -- I shouldn't say we, it was -- I don't really recall exactly who first proposed it, but there was talk about reducing the register through a variety of devices.

THE COURT: To what?

THE WITNESS: Of reducing the register

of the school through a variety of devices and the device that was finally hit upon was reducing a certain number of students on the basis of the criteria set-up, jointly.

I think, that may bear a little correction. It was decided to transfer a number of students from the school to the rolls of the Bureau of Attendance. This decision was not made by me. I was, in terms of the people present, certainly second echelon. My superintendent and Mr. Anker, who was representing the Board of Education, certainly outranked me and nothing could have been done or decided without their approval.

Q Now, when these students were transferred to the register of the Bureau of Attendance, for what purpose were they so transferred?

A The purpose was to allow the Bureau of Attendance, with the use of a number of schools and with the Board of Education's resources, to interview, counsel and guide these students who had been removed from the rolls of Lane and to redirect them to other schools or to give them guidance toward a vocation or to the attendance of night school.

Q Now, Mr. Selub, was this done by the Bureau of Attendance?

A The Bureau of Attendance was unable to handle this situation.

Q This promise was not kept?

A And the promise was not kept.

Q Now, Mr. Selub, there has been some testimony with reference to the administration of the school and with reference to the leadership of the school. Would you tell the Court what is the procedure by which resources are obtained from the Board of Education for the education of the students at your school?

A Normally -- I presume you're asking -- normally, we are given an allocation according to the formula that has been discussed here by the various witnesses. And in addition these are tax levies and come to us directly from the Board of Education and in addition we get personnel who come to us from reimbursable programs from the State and Federal Government.

Q Are there any programs at the present time at Lane which have not been discussed or which do not even appear, for example, in the profile that has been marked as Defendant's Exhibit A?

A I believe that there are a couple.

Q Are these programs which were commenced at your school with reference to the public affairs program

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which had begun?

A That's the urban affairs.

Q Urban affairs, right.

A Urban affairs.

Q Would you tell the Court what the urban affairs program is?

A The urban affairs program is a program that has been planned actually -- the conversations about it, the development goes back about two and a half years. Last year, we succeeded in getting a funding for planning a program which would have in it work student factor elements and which would provide for a correlated program of students in which the curriculum would be modified by relationships with people from industry and commerce.

Q I see. About how many students do you take care of in this today?

A The program has approximately 200 students.

Q You have a venture program?

A The venture program is a program that was intended to deal with the students who had severe cutting and truancy problems and what we did was to -- this program has been in effect for a couple of years now and has undergone some modification and improvement. It originally started as a shortened schedule of approximately four periods, in some

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cases five, in which two teachers were assigned to each group of students. The register for the group was large because we knew that the attendance was going to be, personnel-wise, comparatively small. Our feeling was that we would be able to work with the students to provide them with a less formal guidance oriented program without very strict divisions, subject matter outlines.

In many ways, this was the equivalent of what some of the full-term schools are doing.

(Continued on next page.)

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Q I see. Now, there has been some --

THE COURT: What was the name of it?

THE WITNESS: We called it -- well, originally we called it the Vestibule Program because we thought of it as a re-entry program to the schools. But we began to feel that the term vestibule had in it a certain pejorative factors, and we decided that we'd have to make the program sound more like what it actually was, a gamble on our part that by the -- by a re-structuring we could bring back intothe school in some viable way students who had had difficulties in adjusting to a normal program.

THE COURT: Now, and what did you call it?

THE WITNESS: Venture, like adventure, but -- like venture capital, sir.

THE COURT: How many were in the Urban Affairs?

THE WITNEES: The Urban Affairs is two hundred. That programwas modified from an approach to industry and commerce to a focusing on the city agencies and city careers.

Q Mr. Selub --

THE COURT: And how many are in the Venture

Program?

THE WITNESS: The Venture Program has in it a register of about a thousand, but I would say that it actually deals with something like three hundred. It's a rotating kind of group.

We have succeeded in having some recapture with these young people. Some of them have actually come in and been switched over to the regular program. Others can't make the grade quite that way, and so they are continuing with this program, which this term has in it an additional factor, in this respect: that of the two teachers, one is -- our term is master teachers, but not to be confused with the usual use of the word master teacher -- the key teacher, who stays with the group through the day. The second teacher is a teacher who comes in for one period.

So that there is continuity in terms of guidance, continuity in terms of security of knowing somebody for the student throughout the day, and yet we have the additional strength of not having the same people there, giving these students an opportunity to adjust to -- to different personalities and different needs.

THE COURT: Well, how many teachers are in the program?

THE WITNESS: There are I think eight groups of approximately one hundred and thirty each on register, which would give us approximately a thousand; and there are sixteen teachers, so that for each group which operates as a bloc we have two teachers through the day.

I would like to add that there is another program that, while it is a very small one, we have found important from the point of view of something that can be done. We made a contact with one of the social service agencies in the city, the Brooklyn Bureau of Social Services, and they brought in two social workers who undertook to work with very small groups, groups of five students who were potential dropouts, who had already exhibited a profile of cutting and truancy.

This group did -- these two social workers did small group counseling with the students. They started this program last term, and they are continuing it this term.

In addition they are going -- not are going

to, they are already in the process of operating with a group of teachers to deal with teacher problems in relationship to students who have the dropout syndrome.

Q There has been testimony with reference to the alternate schools, and there had been some discussion that you do not have an alternate school -- alternative school in Lane High School. Will you tell the court your discussions and why you don't have one in Lane High School?

A Yes, I was one of the principals who was called in in the original group that was offered the alternative school, and I was -- and here I'm giving an internal feeling -- I feel that I was one of the most enthusiastic of the group that were there.

There were some people who later went into the program who were not so enthusiastic at the outset, who raised many questions. But I was asked to -- among other things to provide the high school office with a list of places that might bear investigation for use as a setting for an alternative school. I didn't feel that I could possibly run an alternative school -- an alternative school in the school setting, because we already had problems as to space and we already had other problems in terms of use of personnel, some of which were adverted to by Mr. Zack. However, we seemed to get no

results in terms of the places that we had offered up as possibilities. Some of them were eliminated because they were unsuitable, but we had one place that was eminently suitable, and so much time was taker in dealing with the problem -- I think it was -- I was in touch with Mr. Brun, who was the coordinator of the alternative schools; he gave me some progress reports on what was happening in connection with the property, and while he was telling me that the property was being discussed by the group from the city that was supposed to deal with the real estate arrangements, I went down to look at it again and found that it was already occupied by a furniture place.

Q Was it suggested to you to start one within the school itself?

A Yes, it was suggested to me that I start one within the school, and I indicated to them that at that particular point it would be impossible for me to do anything except run it as a kind of paper program. We had already had a whole series of planning meetings.

I had gotten two committees started to work with students in terms of formulating ideas, in terms of administering the program, in terms of choosing personnel, in terms of screening the students for entry into the program, but we felt that we had been stalled on the question of -- when I

say stalled I don't mean that we had been stalled off, but our program had been stalled by the fact that we couldn't seem to get a place in which to do this.

Q But how could you operate the school, an alternative school, within the framework of Franklin K. Lane?

A I indicated to Mr. Brun that for the time being -- I had already chosen the personnel by that time -- that this personnel would be in the Venture Program, and that if we received a place in which to operate we would be ready to go in there.

By the spring of 19 -- I don't remember the -- it started in June of one year. By the spring of the following year it seemed to me that it had -- that the connection between the coordinator and us had sort of broken off. There seemed to be no hope that we would get a place outside, and I did not feel that we could possibly manage to hold an alternative school in the school.

Q Now, there has been talk about possibly having end-to-end sessions at Franklin K. Lane. You as an educator, having been in Franklin K. Lane since 1967 I believe, do you feel that that is a feasible utilization of Franklin K. Lane in view of what you know about the school population, the community and the nature of the students that come there?

A I would -- I think I've testified to this already, but

I would add this: that in -- when I came to the school in 1967 one of the problems that I began to address myself to immediately was the fact that the ninth and tenth periods, which were the periods that ran to about 4:30, in the school were so lightly attended, that cutting was so rife, that it seemed that something drastic had to be done about that. And to me that is a kind of an indication of the sort of thing we could expect to happen on a late -- on a late session on an end-to-end school.

But there were other reasons for my feeling that end-to-end would not be the wisest kind of solution to the problems.

One, that the minority group students in the school and their parents feel that the community is a hostile one, and they would not like to get through late in the day when it's dark.

Two, an expressed feeling to me on the part of the immediate community that they would not like to have students coming out of the school at night and going through the neighborhood. As a matter of fact, we have had severe complaints. That was one of the things that led to the recent meeting with Dr. Scribner and members of the community, about the movement of Lane students through the business section and through the residential section.

These are just physical aspects. Educationally I think that it restricts even further the choices that are available to students, because each of the segments of the school day is contracted to an extent. And when you spread a staff out over a day that way it's -- the problems of programming exceptional or highly elective subjects become more complicated.

Q Now, there has been testimony by Dr. Scribner to the effect that in running a school wherein nineteen hundred new children are coming to the school, maybe it would have been better to program it on the basis of four hundred coming in a day at the beginning of the school term. Have you any thoughts with reference to that?

A Well, I -- I'm a little bit at a loss as to what he hopes would be accomplished by that. I suppose what he was implying there was that it would be possible to do some screening, but I imagine that such screening of an incoming group if it were to be of any use at all would have to be followed by some reprogramming, and that this would put off the opening of the school by a considerable number of days. It doesn't sound to me like a very feasible idea.

Q And if for example you had been able to bring in say four or five hundred students each day, could you have programmed them any day it had been done, if you know?

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A I can't -- again, it would -- it would have required that we not program for the new term until the students arrived there. Programming is a complicated process. We start programming -- we are in the midst of programming already for -- for February.

Q You had testified in the past with reference to the various numbers of programs that you had and you have at Lane with reference to the close supervision and instruction given to college-bound and other groups within the school. Have you discussed with the Board of Education, the administration of the Board of Education, new programs and the resources that would be necessary for these programs?

A Mr. Todell, it's always easy to get the compliance of the Board of Education to a program in the school that comes out of your own resources.

If we take our allocation and rearrange it in some way, even if it's unusual, even if it's highly experimental, the Board of Education will say go. But when we make proposals that involve changes in the players, that is changes in the numbers of the students or changes in the number of personnel, they may listen with interest but the answer usually is no.

The exception perhaps comes in terms of the request for suggestions on funded programs, something that Mr. Zack

described before.

However when the Board of Education asks for suggestions from the high school on funded programs, my recollection is that all the proposals are submitted to the central board, and that then the board picks out umbrella programs which are suitable to use in several places.

I'm not saying that there are no programs that finally wind up just for a single school, but this is my understanding of what usually happens.

Q For example?

A They try to pick something, in other words, that can be applied where -- where there is a -- I forget what they call it, a project number or something, an unnamed number -- I can't remember the term -- in which there is an umbrella for several schools.

Q Now, at this meeting that you had with Dr. Scribner and members of the administration where moneys were allotted to Franklin K. Lane, say $50,000, had you discussed with Dr. Scribner the funds which you really wanted to do a job at Franklin K. Lane?

A No. I had -- I had made a proposal several times that I never seemed to be allowed to complete in the presence of anybody who has the power to do anything about it.

An assumption is usually made immediately that they

understand what I mean, and that it doesn't exist or can't be done, I should say.

Q What do you mean by that?

A I had talked about a college-bound type of program. I think I began to describe that here in my previous testimony.

The immediate reaction from Dr. Scribner was "No, no, we mean something -- we're not talking about the same old kind of conventional teaching."

Now, I didn't imply that we were talking about conventional teaching. I was talking about the kind of structure in which a certain amount of resources is given to a certain number of students, and in which the numbers of students handled by instructors would be limited, and in which additional resources would be brought in.

I tried to get -- to make clear to him that what I meant was we could handle perhaps eight or ten mini-schools, provided that they were funded in such a way as to make the numbers viable. We were not talking about being selective, screening out those who had difficulties. We were talking about taking everybody who came to us within a prescribed limit of numbers.

Dr. Scribner when he heard the first part of it said "We're talking about $50,000, we are not talking about

$150,000."

And I didn't say to him that I wasn't either, because I was really talking about perhaps a million dollars, or maybe even more. I haven't closed that out.

Q Mr. Selub, with the resources thatyou had in your school are the children receiving an education in terms of the words that I had put to Mr. Zack?

A I meant to tell you I think I remember pretty much -- I don't know whether you will have to find the question -- I think I remember pretty much what you asked him, and I think I can answer that.

It isn't a simple or a simplistic answer: we graduate, strangely enough, a larger percentage of students than most of the schools that are in a similar situation, in terms of reading retardation, in terms of attendance problems, in terms of cutting, in terms of school violence that comes in from society, among other places, and yet we manage to graduate a pretty fair percentage of students.

We also have students who earn three-quarters of a million dollars in scholarships in the graduating class. But these are students who have come to us with a certain minimal achievement level, who can survive -- maybe they wouldn't do as well in another high school because here they perhaps get the attention of the exceptional, but they are really not

exceptional students. They are very run of the mill.

However there are large numbers of others for whom we give instruction and for whom we make an attemnt to teaching, but for whom we do not succeed.

MR. TODELL: No further questions.

MR. GOFSTEIN: Could I have a couple of minutes, your honor?

THE COURT: Is every child in your school given a realistic opportunity to be educated?

THE WITNESS: I think thatwas the --

THE COURT: I take it your answer is "Not with the present resources, but we do what we can with what we have"?

THE WITNESS: Yes sir.

MR. TODELL: Your honor, may I just give a citation to the court: Knight against Board of Education, 48 Federal Rules, Decision 115, which really bears out the testimony with reference to what occurred in 1969 at the Franklin K. Lane school with reference tothe dismissal of students.

I specifically refer to page 116 of the Findings of Fact.

CROSS EXAMINATION

BY MR. GOFSTEIN:

Q Just a few very brief questions Dr. Selub. I imagine you've heard some of the testimony had today?

A All of it.

Q All of it. And as you testified, Lane is on a single session, is it not?

A That's correct.

Q And I imagine you are now aware that very few other schools, very few other high schools are on single session in the City of New York?

A I'm not aware of how many are.

Q But I presume you heard Dr. Zack's testimony to that effect, that few other high schools have a single session?

A Yes, but there are some.

Q There are some, but not many.

A I'd like to point out --

Q And you also --

A I'd like to point out --

Q No, I asked a very simple question. I was asking for an explanation. Counsel gave you an opportunity --

MR. TODELL: If the court pleases, I know that I have not really objected to any lengthy dissertations by the witness or by defendant, and I think we should permit the witness to answer

a question.

MR. GOFSTEIN: The only difference, your honor, is this is cross examination. Counsel was able to put whatever --

THE COURT: YEs. Well, let's move along now.

Q And I also presume that by now you are aware of the resources which I asked you about at the beginning of the trial, you are aware that these resources that are provided to Lane are in most cases on a higher level than those provided to many other schools, and better than those provided, as indicated by the city-wide average?

A I'm not really aware of that. They are so much different as to the picayune and hardly responsive to the needs that they are supposed to attain.

Q And at this meeting with Dr. Scribner that you described were you given -- I shouldn't say you, but was Franklin K. Lane given a promise that certain other changes, innovations, services in addition to the ones that you have discussed --

A I'm not sure whether my previous testimony covered it, but there was -- there were other factors, and I think I expressed them all. But I'll tell you what you'd like to know.

Q Was the meeting with Dr. Scribner -- did it also result in a promise to provide additional trainees, ten trainees at the school, service officers?

A It had to.

Q And was there also discussion of something called marshal squads?

A Yes there was.

Q And was there also a promise to assign two patrolmen trained and experienced in actively with students to attempt to try to head off problems perhaps before they occurred?

A We were told that we would get that. We haven't received it yet.

Q And were you also promised a grant, sort of seed money, by Dr. Scribner, to which he has testified here, that would be given to have small groups of teachers to try to come up with new ideas?

A Yes, that's true.

Q Are you aware or do you know whether such grants have been given very frequently to other high schools in the city?

A I believe that the $50,000 referred to is in connection with redesign, and I know that redesign money has been assigned to other schools. I don't know the

amounts.

I know that Boys High has money from redesign.

Q We are talking about particular groups, we are talking about money, I believe, which was meant for teachers to try to come up with new, innovative ideas.

A That's right, that's what I believe they are doing at Boys High.

Q And you expressed -- I understood that you expressed perhaps some dissatisfaction with the extent of the measures which were being suggested at the meeting with Dr. Scribner, perhaps that they weren't enough: and I believe you said before, did you now --

A Wait, I didn't -- I don't believe that I did. I didn't express discontent with it.

Q I believe you did say, did you not, that when Dr. Scribner referred to the figure of $50,000, and then you said something in response to that, he then apparently said, according to your testimony, that "We are talking of $50,000 and not $150,000," and is it true, as you've just said now, that you did not reply to that because you were really thinking that you weren't talking of $150,000 either, but that you were talking about a million dollars?

A The reason I didn't respond was that Dr. Scribner's tone at that particular point indicated that he was not

interested in persuing that line.

Q But what you did have in mind would be something that would have required a million dollars or a much larger expenditure?

A It might have. It might have. It doesn't sound like much in connection with a budget of 1.6 billion.

Q Of course that budget is meant to provide a great many needs, is it not?

A Yes sir, but I think it's about time that the City of New York provided for some very troubled schools in a way that showed some hope.

You see we talk very often about schools like John Dewey and having experiments of that sort. How about taking a school like Lane and sinking a lot of money in that, a lot of money, and showing what can be done, so that we can say to the public "Give us the money and we'll produce educated people."

Q And you still say that you are not aware that Franklin K. Lane, based on the objective formula that has been testified here to by a number of witnesses -- you still say that you are not aware that Franklin K. Lane has received more than it's share of the resources?

A I don't really know what you mean by "more than it's share of the resources.".

Q More than --

A Are you saying more than a school that has no problems? Or are you saying more than a specific school, or more than any other school in the city?

Q Certainly more than the citywide average, and certainly more than many other schools that also have very difficult problems.

A Sir, that business of the average is not really pertinent here. It seems to me that what is pertinent is what we have received in terms of our needs, not in terms of what we received against a school like Midwood or Martin Van Buren.

For instance do we get more than a school like Morris? I doubt it. Morris is a school with tremendous problems. They get the same kind of thing we get: an inadequate amount.

If it's more than Midwood, we need far more than Midwood, but we are not getting it.

THE COURT: I think that's something that we have to think about separately. I don't know that testimony can help it.

You see if we put together some things, as Mr. Zack said, the additional teachers that you get and the other personnel resources allocated

to the school are allocated to Franklin K. Lane on a formulary basis, and Franklin K. Lane comes out as getting more through the necessary operation of the formula than other schools, but that's an index of its needs, it's objective needs.

And I think the point that Mr. Selub is making -- and in a politer but different way Mr. Zack has made the same point -- is that you do get an enrichment, no doubt about it, you get more teachers allocated to you, etcetera, but they are not adequately more.

Instead of going from an average class of whatever it is -- What is the number?

THE WITNESS: The formula calls usually for a spread of two - thirty-two - thirty.

THE COURT: Thirty-two. I mean that doesn't mean to tell about having a spread of two between schools like Morris, Boys, Franklin K. Lane and Midwood is to indulge in mere lunatrocities, it's to show that you are up against an iron limit of no money, because what it ought to have, obviously -- I think Dr. Zack at one point mentioned "Oh, some of this, you'd

like a one to one relation, but you would settle, happily, for fifteen to one; but not for thirty or thirty-two to one.".

Now, he didn't add the last, although it is implicit in much that he said, because he has not suggested here that resources have been made available to the Board of Education in anything approaching the educational needs of the city, and the very utilization factors, even as computed -- and he repeatedly underlined this -- even as computed on standards of capacity and utilization which are not the board's but the city's, even on those bases schools are radically overworked.

And he also has emphasized thatnobody holds any brief for sending children home in drear December at five or five-thirty o'clock in the afternoon, or indeed routing them out of bed when the sun rises at 7:15 to get them to school at 7:40, particularly if they are skipping or hopping across half a borough, and that nobody here has suggested for one moment that the city -- and that's just a kind way of saying we the people -- has provided for our educational needs.

Because we haven't.

Now, what Mr. Selub is saying -- and I suppose this renews the never-ending struggle that when you are faced with a difficult situation you've got to concentrate your effort on the people who most cruelly in need of education, because they can't look to home, to parents, to their peers for the education which perhaps a child in Midwood's territory would get even if he slammed the doors of the school shut.

Now, that's what we're talking about. On the other hand institutional reality means that that doesn't happen, that the people who are responsible for the creation of the revenues are going to take care of the people who are responsible for the creation and not the expenditure of revenue. I don't know whether that's true or not, but that's what's said again and again. We hear repeated that nothing was ever done about drugs until it touched the middle class. Nothing will be done about crime until it touches the middle class. And nothing will be done about schools until it touches the middle class.

Now, we hear that synical kind of talk all

the time, and it's crept into this record too. Crept? It's been walking in.

MR. GOFSTEIN: Your honor, if I may --

THE COURT: I don't know how much we can do in an evidentiary way. I think what's been said has been said here.

MR. GOFSTEIN: Your honor, I could just comment for a second: it would appear to me that throughout this trial the court -- all the witnesses have obviously recognized the limitations, budgetary limitations, or the city, and these are maybe the cruelest limitations we are working within.

THE COURT: No question about that. I think there is what everybody should agree about. If there is a magic source of money --

MR. GOFSTEIN: And yet it would seem to me that when we sometimes have gone off of that angle to looking at individual schools or problems, we do sometimes wind up talking as if we could have an almost limitless supply of money to deal with the problems.

I think the witnesses that the defendants have provided have attempted to show that within

the limited resources the basis formulation alots extra resources for the differentials, and especially in regard to Lane.

I think the administrators of the school system have testified that the provisions to Lane have exceeded even those --

THE COURT: Yes, I think at this point all Mr. Seluh is anxious to insist upon is that the additional grants to Lane are not bonifications, they are the results of the application of the formula, and that the application of the formula makes these resources available to Lane without any special effort to be kind to Lane, except as the formula is.

And Ithink what Mr. Zack has said on the other side is well, other funds can and are shaken loose if you can come up with programs developed within the school under school initiative, and which can move the whole system outside the tax funds and make available to it funds in the form of grants fromthe federal government, the state, and perhaps even froman occasional foundation, as the brief reference to the Ford Foundation experiment indicates.

So that really then the only area of difference is on this leadership business as to whether Lane has used all of the local initiative and leadership that it might to spearhead programs for which would attract to them federal, state and other funds which would get the school beyond the formulary -- its formulary entitlement out of tax funds.

Now, that as I see it is the only real area of controversy, and that results simply in our not having enough data for a round look at it, except the repeated expression of opinion that more could be done along those lines, and that that's the avenue or that's the direction in which to work.

And that I take it is the long and the short of the $50,000 grant and meeting with Dr. Scribner, really.

THE WITNESS: Something that was shaken loose.

THE COURT: What?

THE WITNESS: Something that was shaken loose.

MR. COSTELLO: I would say that's perhaps

one way of characterizing it. That's one way of characterizing it. It did not conform to prior testimony.

I have no further questions of the witness.

MR. TODELL: No questions.

THE WITNESS: Your honor I don't -- I think as a matter of fact Mr. Todell told me it's inappropriate, but I have got the impression from reading the press that one of the side issues of this suit has been -- if Mr. Zack said that he was not --

MR. GOLDSTEIN: Your honor, may I --

THE WITNESS: Could I make a statement? The judge can rule me --

MR. GOLDSTEIN: I don't want to be impolite, your honor.

THE COURT: I think you'd better put yourself in Mr. Todell's hands.

MR. GOLDSTEIN: Because this is on the record, and I'm not sure -- It's on the record, and either he's a witness on cross examination or he's not. If we are off the record perhaps he could say anything he wants.

THE COURT: Oh, well, it's being taken down, I'm sure, because Fred takes down everything, even where it says off the record.

MR. TODELL: I advised Mr. Selub there was no point in going into this at all. And I understand how he feels, because apparently there have been some reports in the newspapers about --

THE COURT: I haven't read anything.

MR. TODELL: Yes, apparently it appeared in the Long Island Press, a number of articles last week, which reflected --

THE COURT: Since I'm a native Brooklynite I do not read the LongIsland Press.

MR. TODELL: It reflected on Mr. Selub. And I thought it was not proper at this particular time to get it in the record. I think his testimony has been clear with reference to his being recalled here, as to what he has done and how he feels about the situation at length.

THE COURT: Well, I haven't seen any of it.

MR. COFS[illegible] I haven't either.

MR. TODELL: If the court pleases, the plaintiff rests at this time.

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MR. GOFSTEIN: Defendant rests.

THE COURT: Well, now, do you gentlemen regard all the law that you want as having been put in?

MR. TODELL: Did you say on all the law, your honor?

THE COURT: Law.

MR. TODELL: Yes, I would possibly present a further memo, and I would just want to cite a case for the court which does not deal with education. However I think it relates very clearly to even the last remarks of your honor, Wyatt vs. Stickney, 334 Fed. Supp. 1341, which relates in some fashion to a similar situation dealing with mental hospitals in a case which arose in the Federal Court of Alabama.

THE COURT: Judge Johnson?

MR. TODELL: That's right.

THE COURT: That's what's going on across the hall there.

MR. TODELL: Yes, the Willowbrook.

MR. GOFSTEIN: Your honor, I would definitely like to submit a post-trial memorandum of law.

THE COURT: Well, I was wondering what you

wanted to do on the facts. Now, we have a great many statistical facts here. I'm not sure what kind of formulation and finding they lend themselves to. I suppose that's my problem, isn't it?

But I was thinking that perhaps you gentlemen should make some argument on the facts, if you will, in your memoranda, because presumably in the use of these statistics you have had purposes in mind and lessons which you think they teach. And they might be very different from the ones that without your arguments I would think they taught.

MR. TODELL: If the court pleases, I will submit a memorandum, and I will review what I feel to be the facts, or the important statistics, and place them in perspective from my point of view. And the only question is the question of time, your honor.

As I advised the court, I'm just going to go on a --

THE COURT: Well, why don't you go it as quickly as you can, because I will be working on it -- I will simply have to do thefinding of fact

at least in draft form as quickly as is humanly possible before I completely lose command of the record. I have to rely heavily on your recollection and check it against the facts.

So whatever you do wish to send in, I wish you'd both get in as quickly as you can. I think it's rather pointless to fix a particular time.

MR. TOBEL: See, I'm leaving the city tomorrow, your honor -- not tomorrow, on Thursday, and I won't be back until the first of the year, and I will try immediately thereafter, your honor, to get it to you as soon as possible.

MR. GORSTEIN: Your honor, if I may bring up just one other -- it's not a problem, really, but I imagine -- we haven't cited completely, but we may order the transcript of this, and of course --

THE COURT: Oh boy.

MR. GORSTEIN: I know that's a huge job.

Now, the documentary evidence of course is in evidence. There is no question about that. But I think there have been other statements madethat might be quite relevant, that we would rather have very specifically, rather than

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just our general recollections.

THE COURT: Well, I think you have to feel that out yourselves and see what you are going to do, but don't underestimate the problems that you create, because if the truth must be told, it's ten times as hard to get a transcript out on a regular delivery basis as on a daily delivery basis.

MR. GOLDSTEIN: Could I ask, perhaps, the reporter --

MR. TODELL: There have been three or four reporters. Mr. LeGendre has been here for three days.

THE COURT: That creates quite a problem, because Henri is a great little reporter, but he's not good unless he's on daily. He's not good on getting his record out.

MR. GOLDSTEIN: I wish we could do without, but I feel that we do have a lot of testimony --

THE COURT: Well, do what you can. And as I say, I will in self defense have to go ahead with the findings, but that means they will just be in draft, triple spaced, subject to change without notice, so that you won't be working

blindly.

And above all, that will give you less a chance to safeguard me from making just mere error, just getting numbers wrong, making flagrant misinterpretations, etcetera.

But I do have to get recollections of the testimony down before they get too fugitive.

MR. GOLDSTEIN: I also don't know if this is really necessary, but just formally I would like to move for judgment.

THE COURT: Yes, in a non-jury case I take it both of you move for judgment.

MR. TODELL: Yes.

THE COURT: And the decision is reserved on those motions.

* * * *

Plaintiffs' Exhibit 1

School Census Dated November 29, 1972

PLAINTIFF'S EXHIBIT 52 EV

FRANKLIN K. LANE HIGH SCHOOL

MORTON SELUB, PRINCIPAL

November 29, 1972

SCHOOL CENSUS

	PUERTO RICAN		BLACK		OTHERS		REGISTER
	No.	%	No.	%	No.	%	
1966	466	9.8	2145	45.0	2152	45.2	4763
1967	640	12.5	2435	47.4	2061	40.1	5136

	BLACK		AMERICAN INDIAN		ORIENTAL		PUERTO RICAN		OTHER SPANISH SURNAMED AMERICAN		OTHER		TOTAL
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
1968	2691	50.	5	0.1	23	0.4	767	14.4	93	1.7	1795	33.4	5371
1969	2606	53.5	3	0.1	19	0.39	682	14.0	68	1.4	1497	30.7	4875
1970	2767	57.2	1		16	0.3	819	16.6	122	0.5	1199	25.4	4924
1971	2641	58.2	0		30	0.2	844	18.2	157	0.4	944	22.1	4616
1972	2928	59.5	9	0.1	23	0.2	980	19.9	113	0.9	860	19.4	4913

Respectfully submitted,
MARY COHEN
Assistant Principal, Guidance

Plaintiffs' Exhibit 3

Letter Dated May 13, 1969 to Mr. Harold Saltzman

BOARD OF EDUCATION
OF THE CITY OF NEW YORK
110 LIVINGSTON STREET
BROOKLYN, N.Y. 11201

NATHAN BROWN
EXECUTIVE DEPUTY SUPERINTENDENT OF SCHOOLS

May 13, 1969

Mr. Harold Saltzman
U.F.T. Chapter Chairman
Franklin K. Lane High School
999 Jamaica Avenue
Brooklyn, New York 11208

Dear Mr. Saltzman:

Thank you for your telegram of May 9th in which you indicate your support for the proposed re-zoning of Lane High School.

May I point out to you, however, that the parents of the children concerned have mounted a very strong campaign in opposition to this proposal. If the mail, telephone calls, and other public meetings taking place are any indication, it seems to me that the community groups which indicated support for such a zoning plan either do not have children in the public schools or do not speak for the majority of the community.

I hope you can convince the persons directly concerned that they should send their children willingly to Lane High School.

Sincerely yours,

NATHAN BROWN
Executive Deputy Superintendent

NB:k
cc: Mrs. O'Daly
Mr. Selub

Plaintiffs' Exhibit 5

Optional Program for F. K. Lane

OPTIONAL PROGRAM FOR F.K. LANE

1969-70
FROM F. K. Lane

Midwood	110
Sheepshead Bay	73
Tilden	97
F.D. Roosevelt	171
	451

1970-71
FROM F.K. Lane to
Various Schools
Rezoning of Area 269

1971-1972

So. Shore	106
Midwood	25
Madison	24
	155

1972-73

Madison	27
Midwood	50
So. Shore	79
	156

Plaintiffs' Exhibit 8

Summary of Existing Zoning Procedures as They Relate to the High Schools

813

REVISED
(3/9/72)

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF THE DEPUTY CHANCELLOR

January 25, 1972

Summary Of Existing Zoning Procedures As They Relate To The High Schools

I. Introduction

This memorandum summarizes existing procedures with respect to the establishment of zone lines for new high schools or the changing of existing feeder patterns. These procedures are made necessary because of several factors:

-- The opening of new school buildings.
-- The closing or replacement of other school buildings.
-- The changes in population patterns.

The existing zoning procedures are based on established regulations and statements contained in Special Circular #58, 1970-71, which supersedes previous circulars of this subject, various administrative memoranda, the Administrative Handbook (The Community School Board Manual) and the Decentralization Law.

In general, the zoning of schools is guided by the following principles:

-- Improving the utilization of high schools of the borough.
-- Furthering integration.
-- Recognizing geographic factors - proximity of school to students involved; consideration of natural boundaries; major traffic arteries, etc.
-- Considering the availability of transportation facilities.
-- Ensuring the continuity of education of students.

II. Procedures

Early in the fall of the school term prior to the anticipated opening of a new high school in the ensuing school year, the high school superintendent of the borough in which the new school will be located initiates the planning procedures for the zoning of that school. Similar steps are followed where changes in zones or feeder patterns of existing schools are involved. The nature of the planning is related to the extent of the changes being considered.

At that time the high school superintendent consults with interested individuals and groups affected such as parents associations of high schools and junior high schools concerned, community school boards and community superintendents of the area, city-wide and borough-wide parent organizations, principals of high schools and junior high schools concerned, government and community leaders and organizations.

Within a reasonable time thereafter, a tentative zoning plan should be completed which forms the basis for the holding of public meetings and discussions.

The following steps are included:

1. Submission of a copy of the proposed zoning plans including a full description thereof.

2. Adequate notification of the interested individuals and groups affected.

3. Holding of necessary public meetings in the field in the area or borough affected.

4. Providing data that are pertinent to the proposed zoning:

   -- current and projected registers of feeder schools
   -- utilization factors
   -- ethnic distribution
   -- geographic maps and narrative description of the area
   -- relevant transportation data

5. Ensuring opportunities for feedback of reactions to the proposed plans and opportunity for further consultation after results of feedback reports are considered.

III. Presentation of Plans

The modified plan is then presented to the Office of the Deputy Chancellor for review and acceptance for presentation to the Chancellor. After approval by the Chancellor, the adopted plan is distributed.

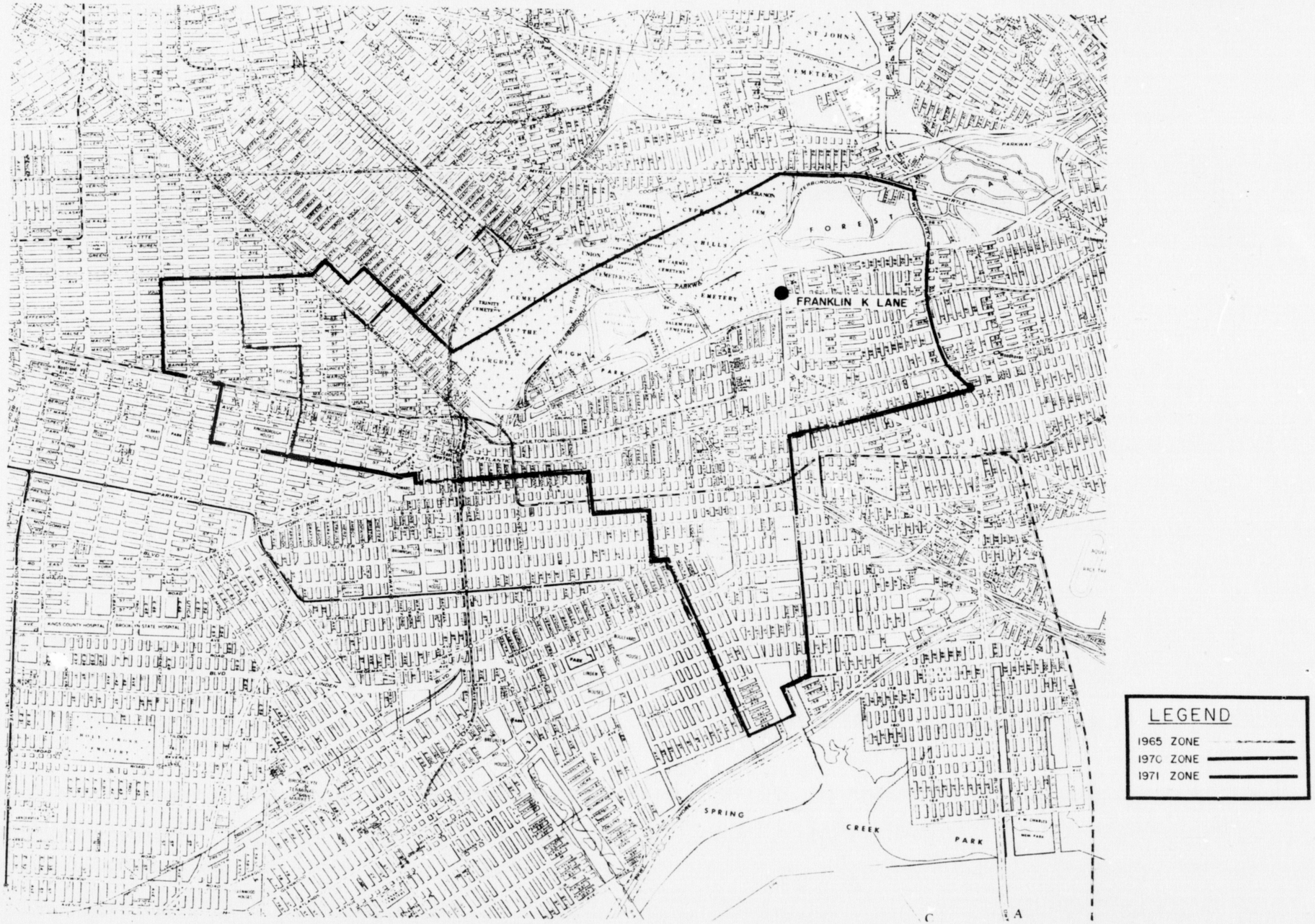
IV. Appeals Procedure

Not later than 10 days after the issuance of the zoning order, an appeal thereof may be made to the Central Board of Education by parents associations and interested community groups by filing with the Secretary of the Board of Education a statement of appeal of the order with the reasons therefor. The Central Board of Education then studies the appeal and assigns an ad hoc committee to review and consider each appeal and to present a report with recommendations to the full Board. Within a reasonable time thereafter the Board issues its decision on the appeal and notifies all parties thereof.

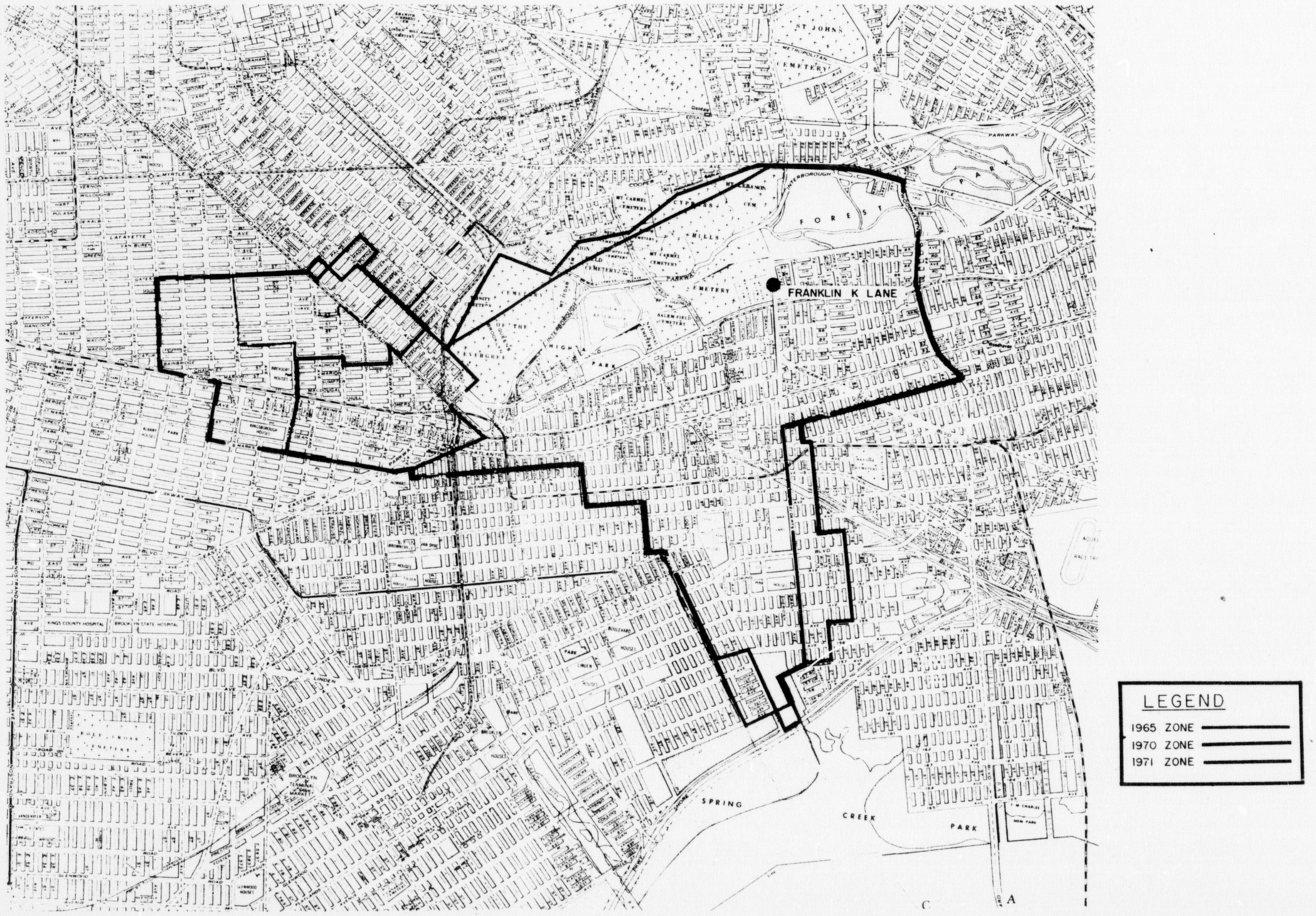
Plaintiffs' Exhibit 11

Overlay Map of Brooklyn Especially Franklin K. Lane
1965—1970—1971

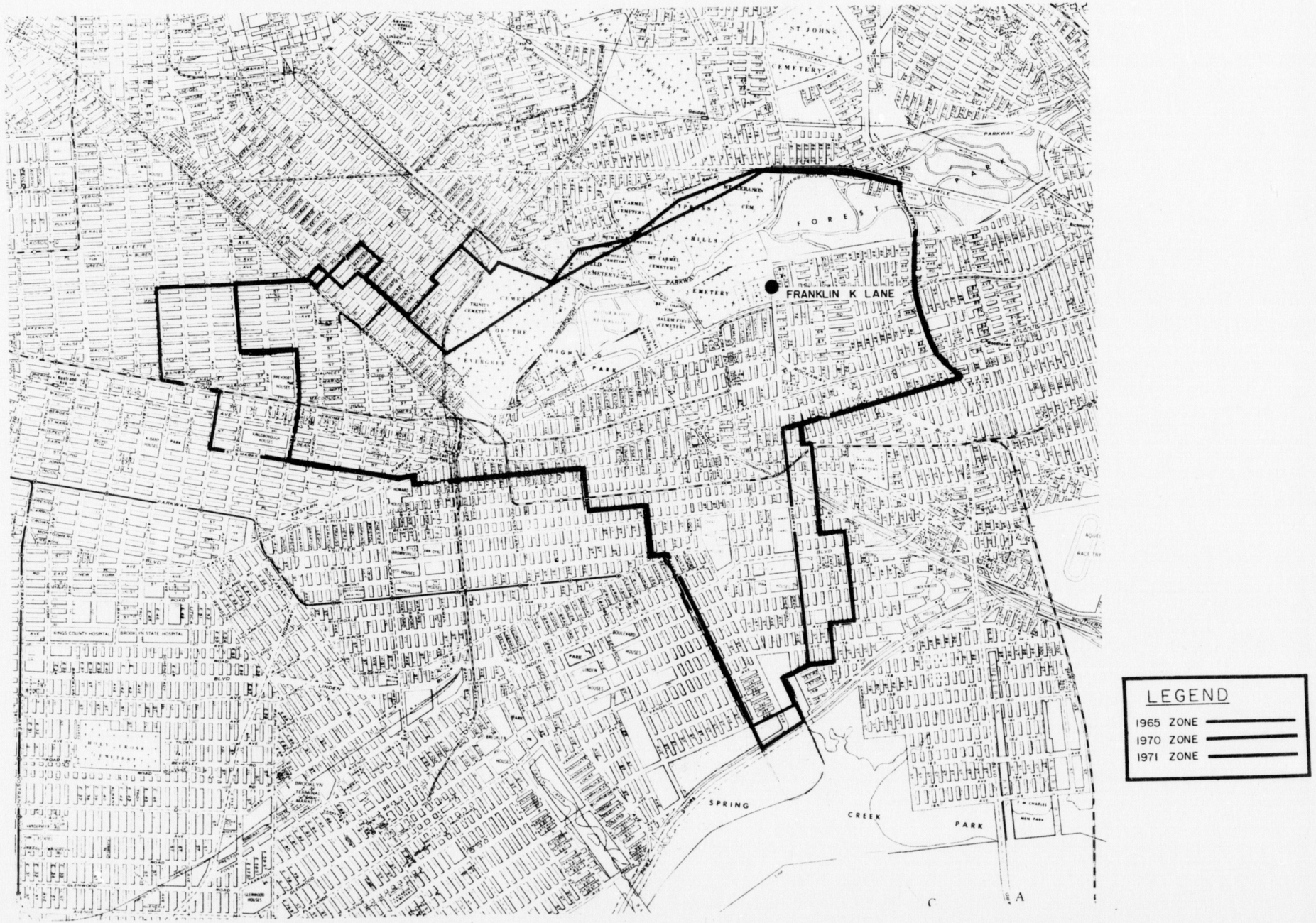
FRANKLIN K. LANE 1965



FRANKLIN K. LANE 1970



FRANKLIN K. LANE 1971



Defendants' Exhibit B

Experience Index 1971-1972 Academic High Schools

PA 85 EXPERIENCE INDEX 1971 - 1972

APRIL 10, 1972 ACADEMIC HIGH SCHOOLS

BORO	DIST	TITLE 1 SCH	TOTAL TCHS.	# TCHS 5 OR MORE YR EXP	% TCHS 5 OR MORE YR EXP	S C H O O L
2	78					BX SCIENCE HS
						ADLAI STEVENS
	DIST 78	TOTALS	1,548	1,159	74.87	
	T-1,MT-1	TOTALS	2,157	1,567	73.57	
BRONX		TOTALS	1,548	1,159	74.87	
	T-1,MT-1	TOTALS	2,157	1,567	73.57	
3	78					LAFAYETTE HS
						MIDWOOD HS
						A LINCOLN HS
						SJ TILDEN HS
		426	211	147	70.00	F K LANE HS
						J MADISON HS
						BKLYN TECH HS
		435	192	106	55.00	JEFFERSON HS
		448	170	106	62.00	PROSPECT HTS HS
						NEW UTRECHT HS
		455	123	70	57.00	BOYS HS
		460	222	146	66.00	JOHN JAY HS
						ERASMUS HS
		470	145	77	53.00	G WINGATE HS
		475	134	87	65.00	EASTERN DIST HS
		480	147	111	76.00	BUSHWICK HS

PA 85 EXPERIENCE D

APRIL 10, 1972 ACADEMIC HIGH

BORO	DIST	TITLE	TOTAL 1 SCH	TCHS.	# TCHS 5 OR MORE YR EXP	% TCHS MORE YR
3	78					
	DIST 78	TOTALS	1,344	850		63.24
	T-1,NT-1	TOTALS	4,219	2,990		70.87
BROOKLYN		TOTALS	1,344	850		63.24
	T-1,NT-1	TOTALS	4,219	2,990		70.87
4	78		400	46	39	85.00

Defendants' Exhibit C

Borough of Brooklyn Community School Districts
1961-1963 Academic High Schools

1961 - 1963 - BROOKLYN ACADEMIC HIGH SCHOOLS

BOARD OF EDUCATION
CITY OF NEW YORK

Borough of Brooklyn

COMMUNITY SCHOOL DISTRICTS
(Revised as of Feb. 13, 1970)

14

16

13

15

17

N

19

18

UPPER

NEW YORK

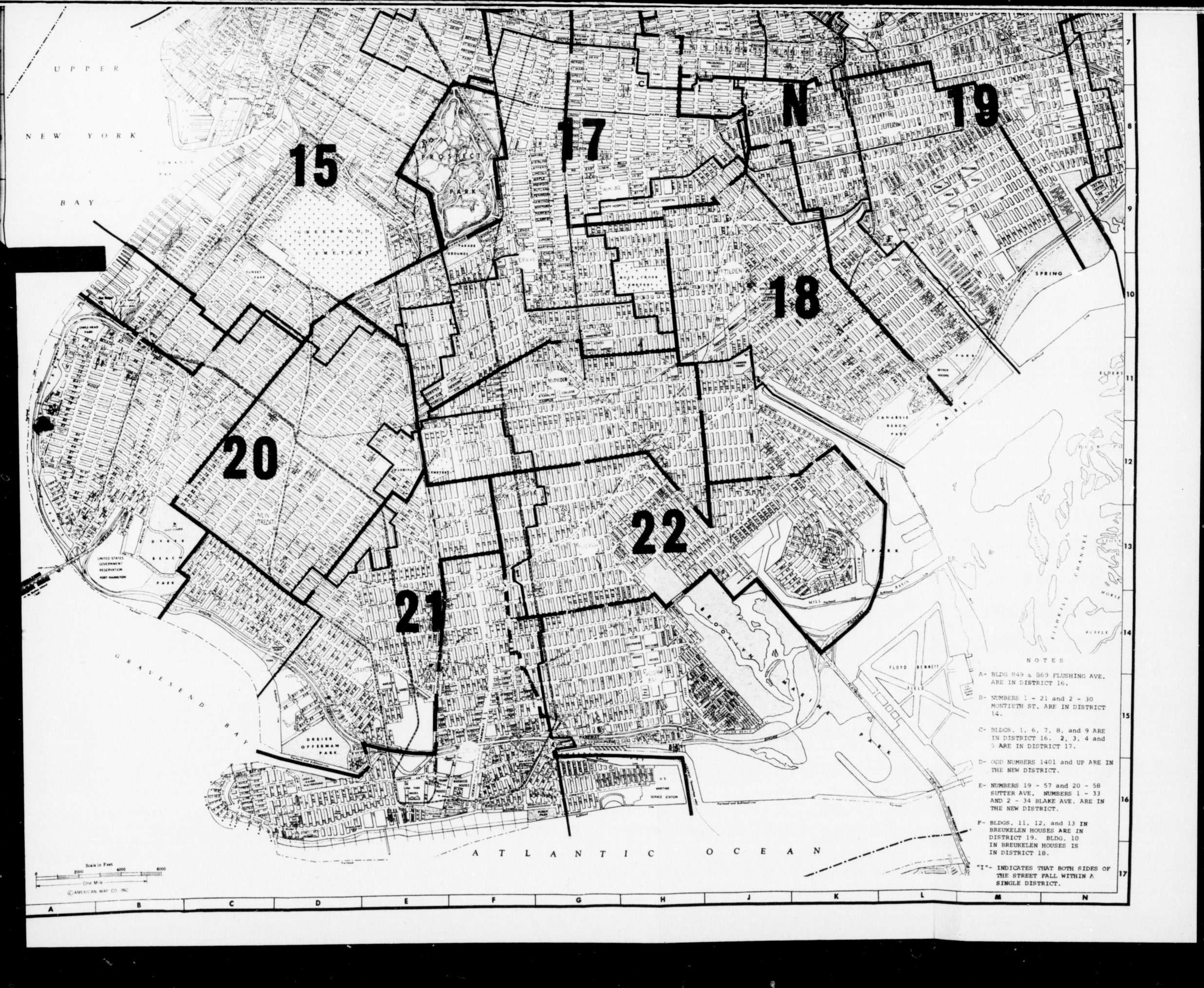
BAY

PROSPECT PARK

GREENWOOD CEMETERY

FORT GREENE PARK

SPRING



NOTES

A- BLDG 849 & 869 FLUSHING AVE. ARE IN DISTRICT 16.

B- NUMBERS 1 - 21 and 2 - 30 MONTIETH ST. ARE IN DISTRICT 14.

C- BLDGS. 1, 6, 7, 8, and 9 ARE IN DISTRICT 16. 2, 3, 4 and 5 ARE IN DISTRICT 17.

D- ODD NUMBERS 1401 and UP ARE IN THE NEW DISTRICT.

E- NUMBERS 19 - 57 and 20 - 58 SUTTER AVE. NUMBERS 1 - 33 AND 2 - 34 BLAKE AVE. ARE IN THE NEW DISTRICT.

F- BLDGS. 11, 12, and 13 IN BREUKELEN HOUSES ARE IN DISTRICT 19. BLDG. 10 IN BREUKELEN HOUSES IS IN DISTRICT 18.

"I"- INDICATES THAT BOTH SIDES OF THE STREET FALL WITHIN A SINGLE DISTRICT.

7 8 9 10 11 12 13 14 15 16 17

A B C D E F G H J K L M N

Defendants' Exhibit D

1963 Borough of Brooklyn High School Zones
Community School Districts

1963-1964 BROOKLYN ACADEMIC HIGH SCHOOLS

BOARD OF EDUCATION
CITY OF NEW YORK
1963
Borough of Brooklyn
HIGH SCHOOL ZONES
COMMUNITY SCHOOL DISTRICTS
(Revised as of Feb. 13, 1970)

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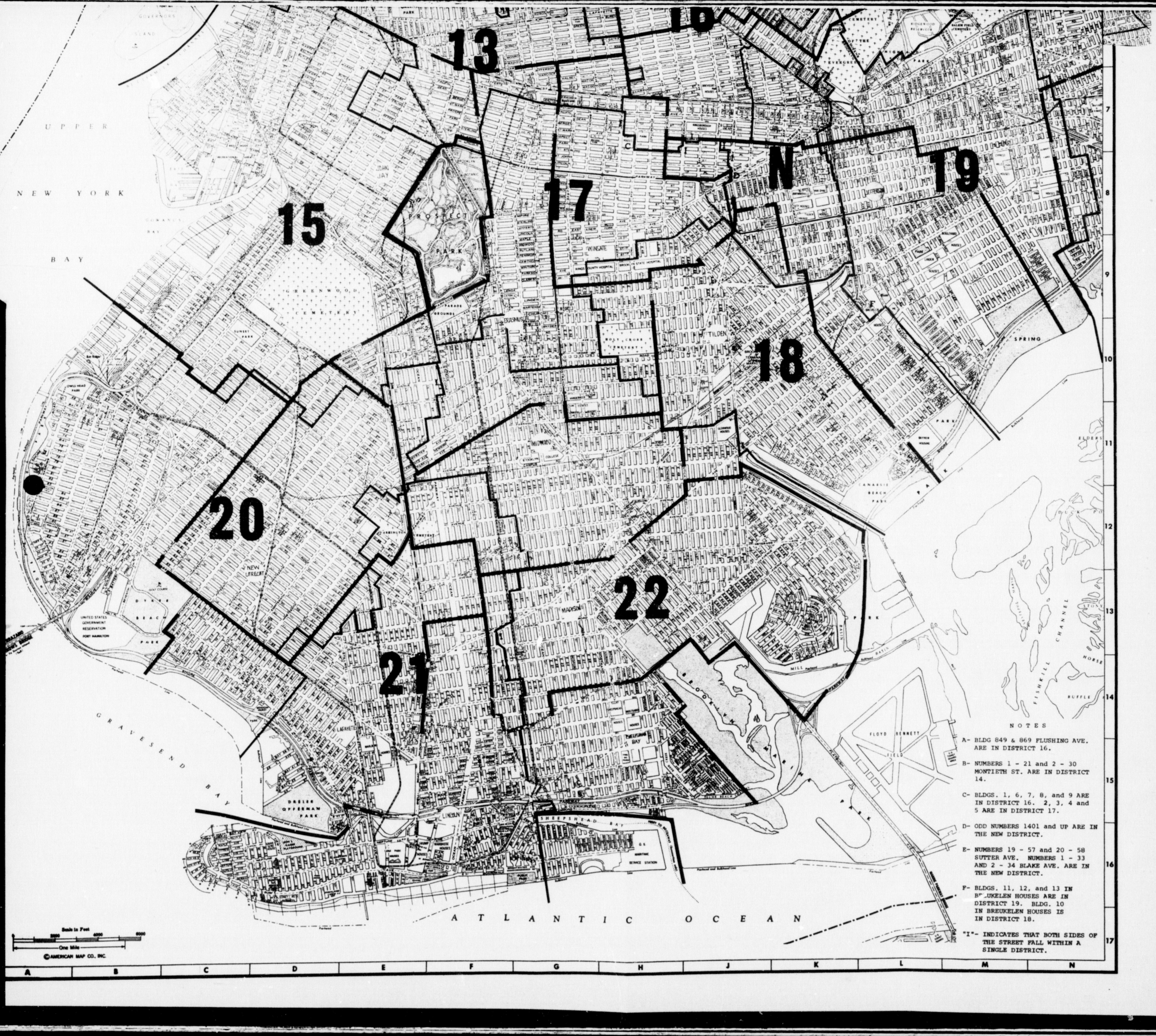

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"I"- INDICATES THAT BOTH SIDES OF THE STREET FALL WITHIN A SINGLE DISTRICT.

Defendants' Exhibit E

1964-1965 Borough of Brooklyn High Schools
Community School Districts

1964-1965 Bantam Academic High School

827

BOARD OF EDUCATION
CITY OF NEW YORK
1964 - 1965
Borough of Brooklyn
HIGH SCHOOL
COMMUNITY SCHOOL DISTRICTS
(Revised as of Feb. 13, 1970)

14

16

13

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N

19

18

NEW YORK BAY

UPPER BAY

EAST RIVER

NEWTOWN CREEK

GOWANUS BAY

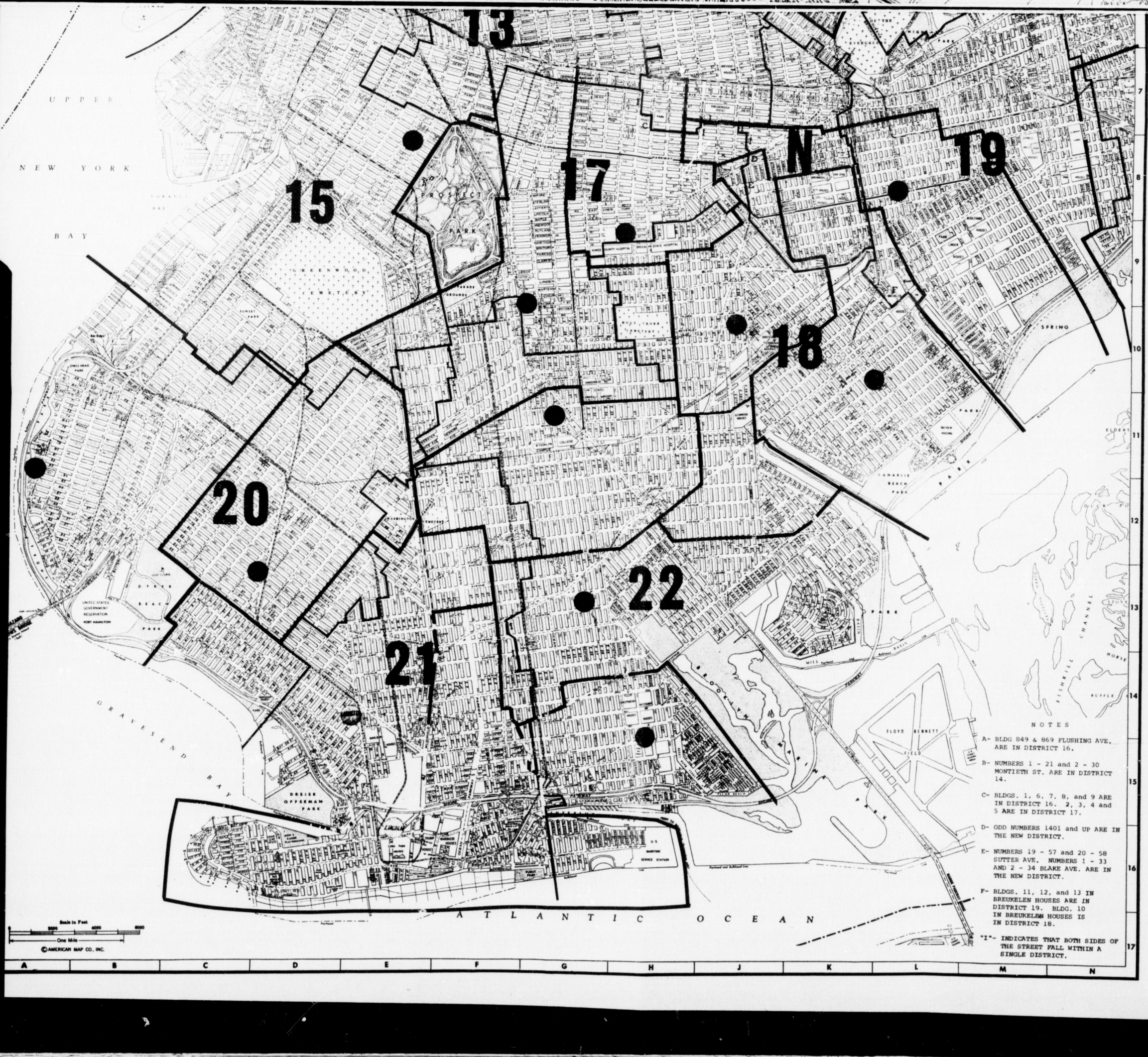
GREENWOOD CEMETERY

PROSPECT PARK

FORT GREENE PARK

CANARSIE BEACH PARK

SPRING CREEK PARK



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"I"- INDICATES THAT BOTH SIDES OF THE STREET FALL WITHIN A SINGLE DISTRICT.

Defendants' Exhibit F

1965-1966 Borough of Brooklyn High Schools
Community School Districts

BOARD OF EDUCATION
CITY OF NEW YORK
1965-1966
Borough of Brooklyn
HIGH SCHOOLS
COMMUNITY SCHOOL DISTRICTS
(Revised as of Feb. 13, 1970)

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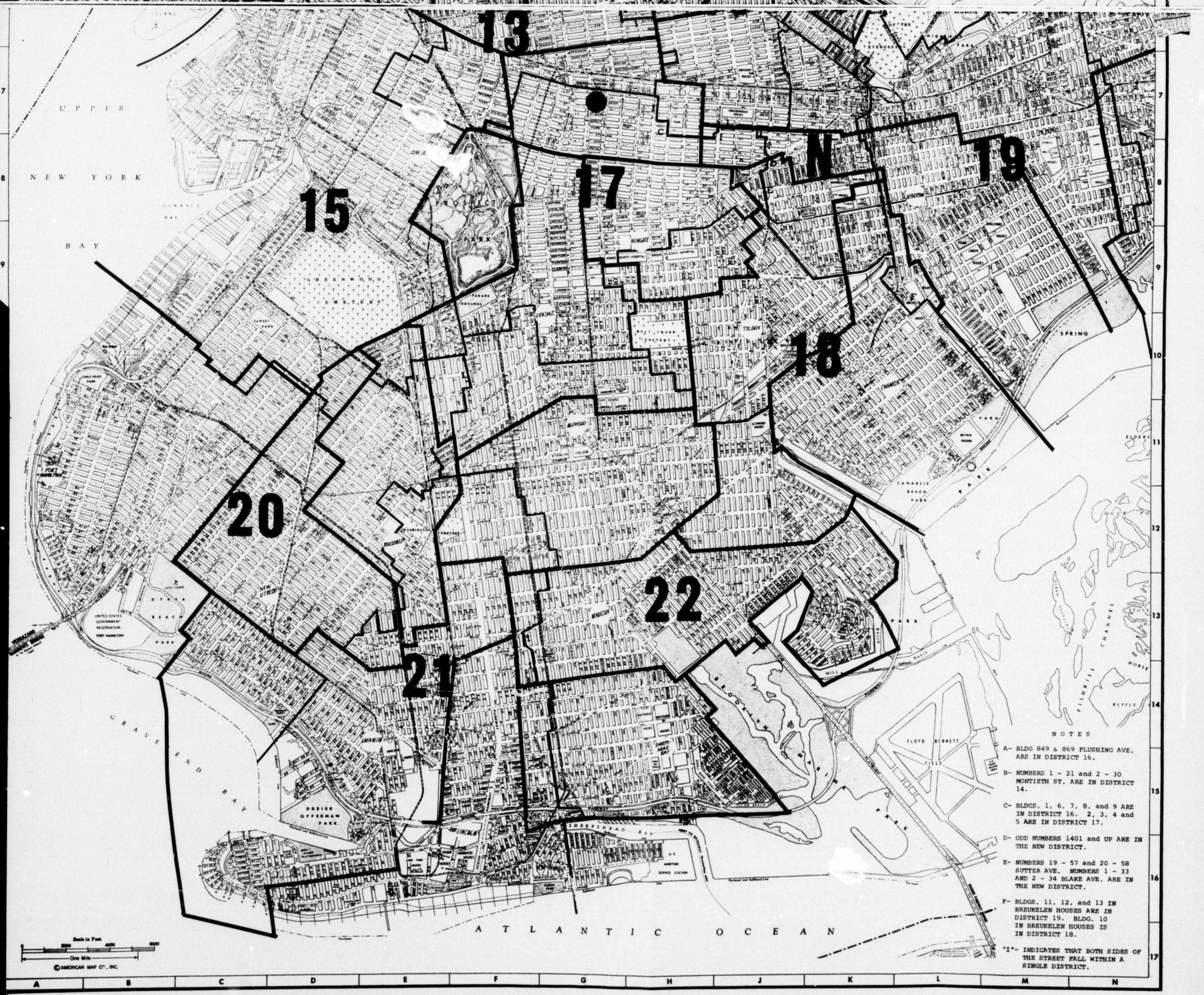

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"I"- INDICATES THAT BOTH SIDES OF THE STREET FALL WITHIN A SINGLE DISTRICT.

Defendants' Exhibit G

1966-1967 Borough of Brooklyn
Community School Districts

1966-1967 BROOKLYN ACADEMIC HIGH SCHOOLS

BOARD OF EDUCATION
CITY OF NEW YORK

Borough of Brooklyn

COMMUNITY SCHOOL DISTRICTS
(Revised as of Feb. 13, 1970)

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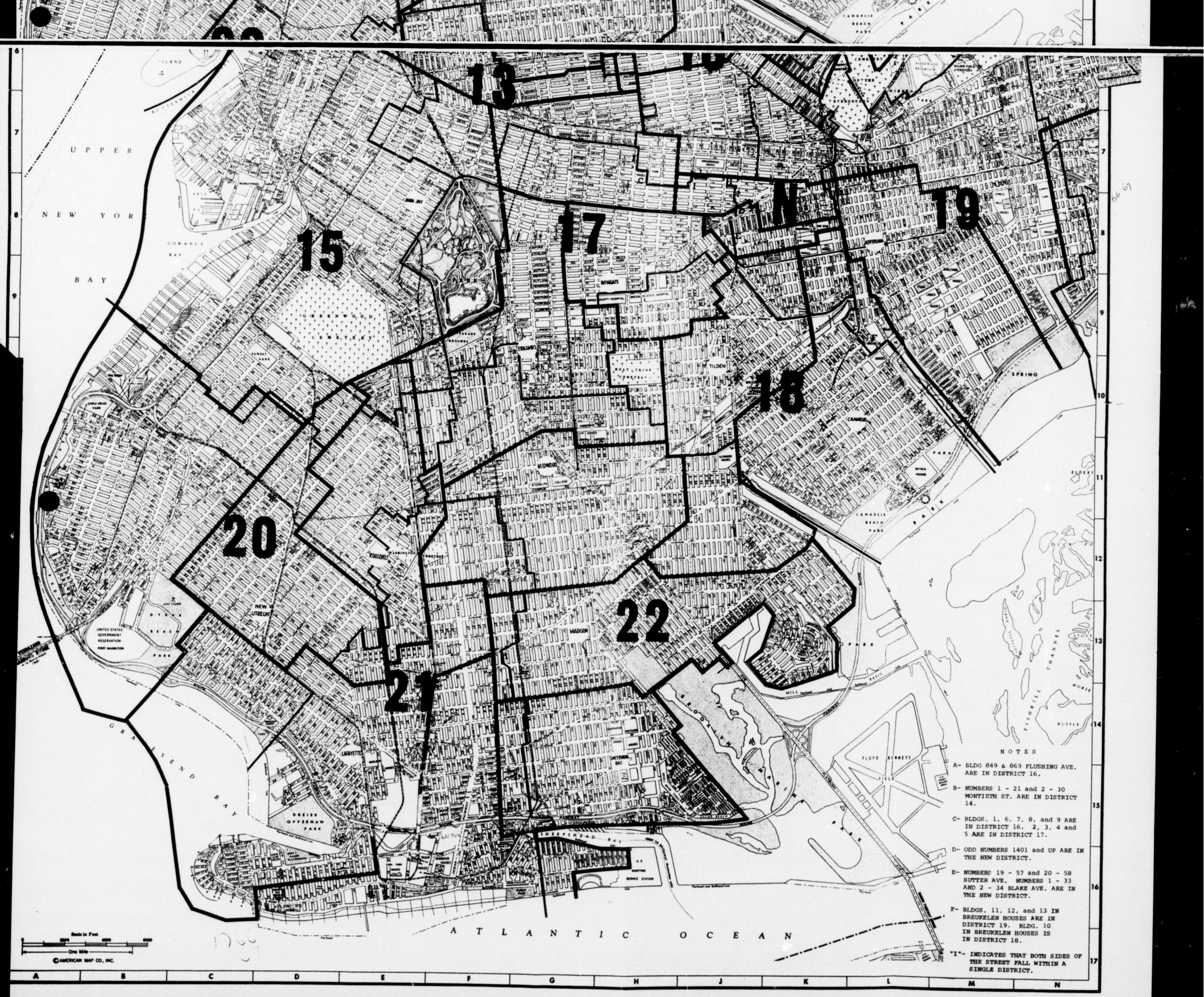
66-67



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"I"- INDICATES THAT BOTH SIDES OF THE STREET FALL WITHIN A SINGLE DISTRICT.

Defendants' Exhibit H

1967-1968 Borough of Brooklyn
Community School Districts

1967-1968 BROOKLYN ACADEMIC HIGH SCHOOLS

BOARD OF EDUCATION
CITY OF NEW YORK

Borough of Brooklyn

COMMUNITY SCHOOL DISTRICTS
(Revised as of Feb. 13, 1970)

1967-1968

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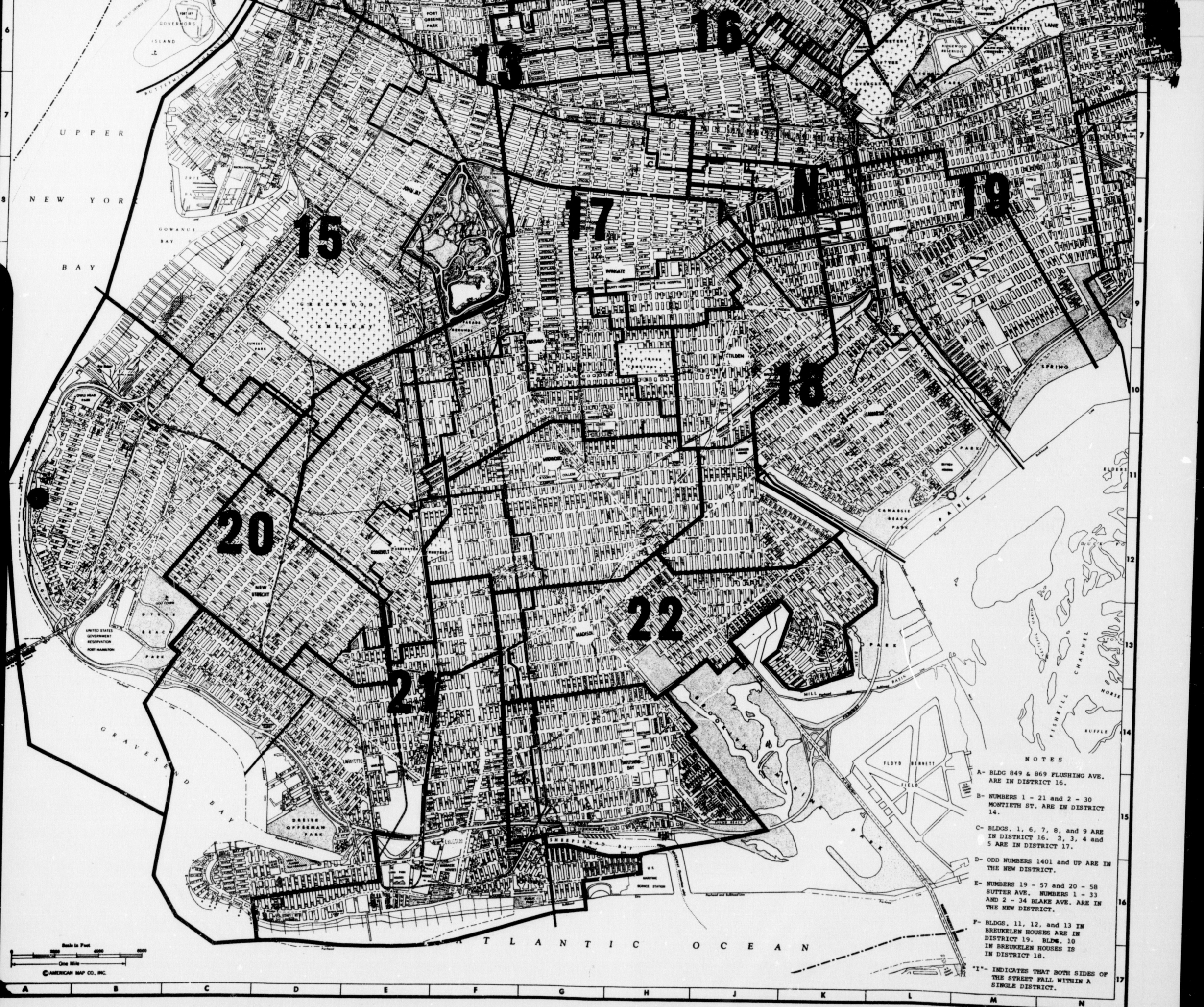

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"I"- INDICATES THAT BOTH SIDES OF THE STREET FALL WITHIN A SINGLE DISTRICT.

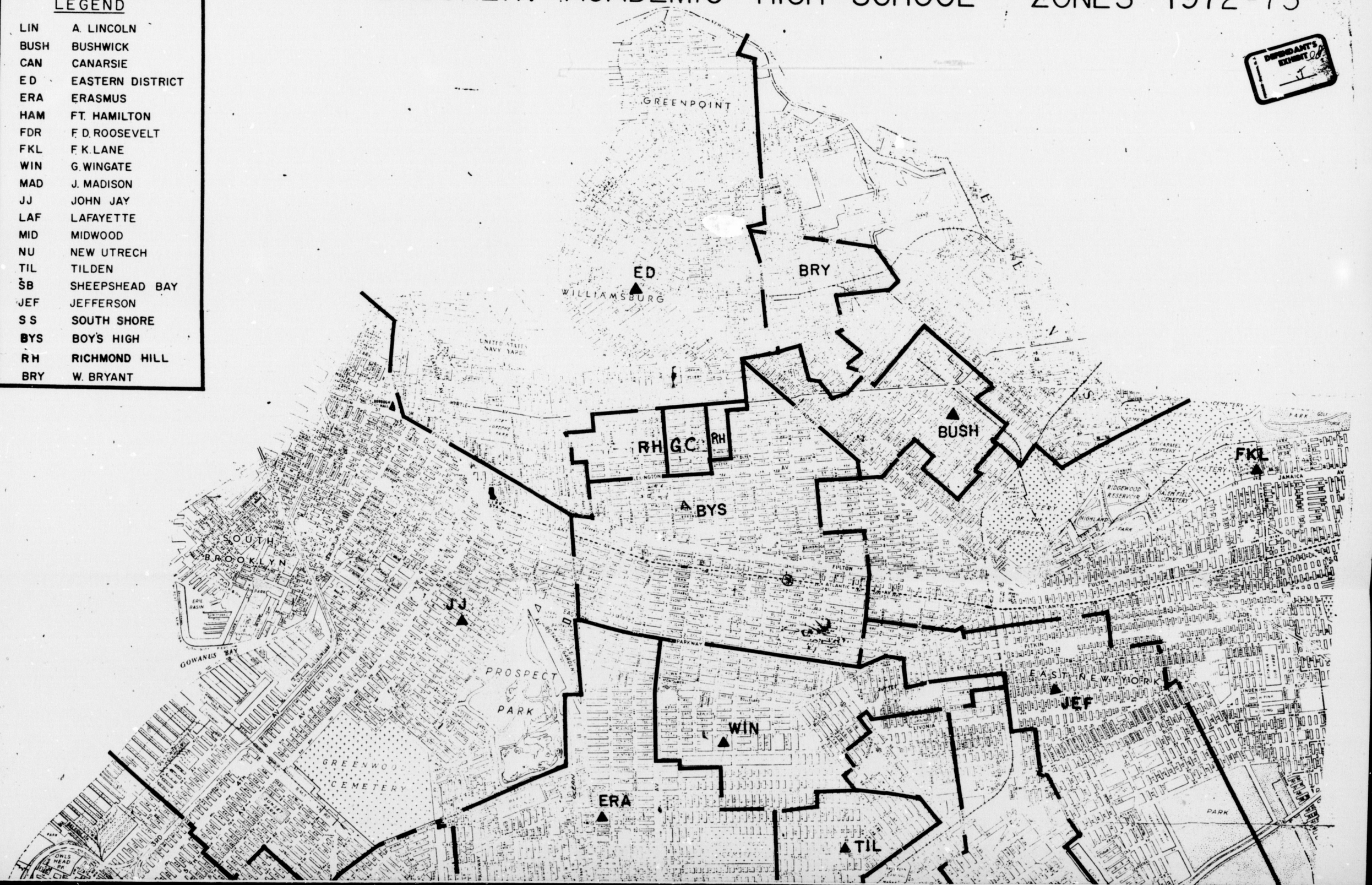
Defendants' Exhibit J

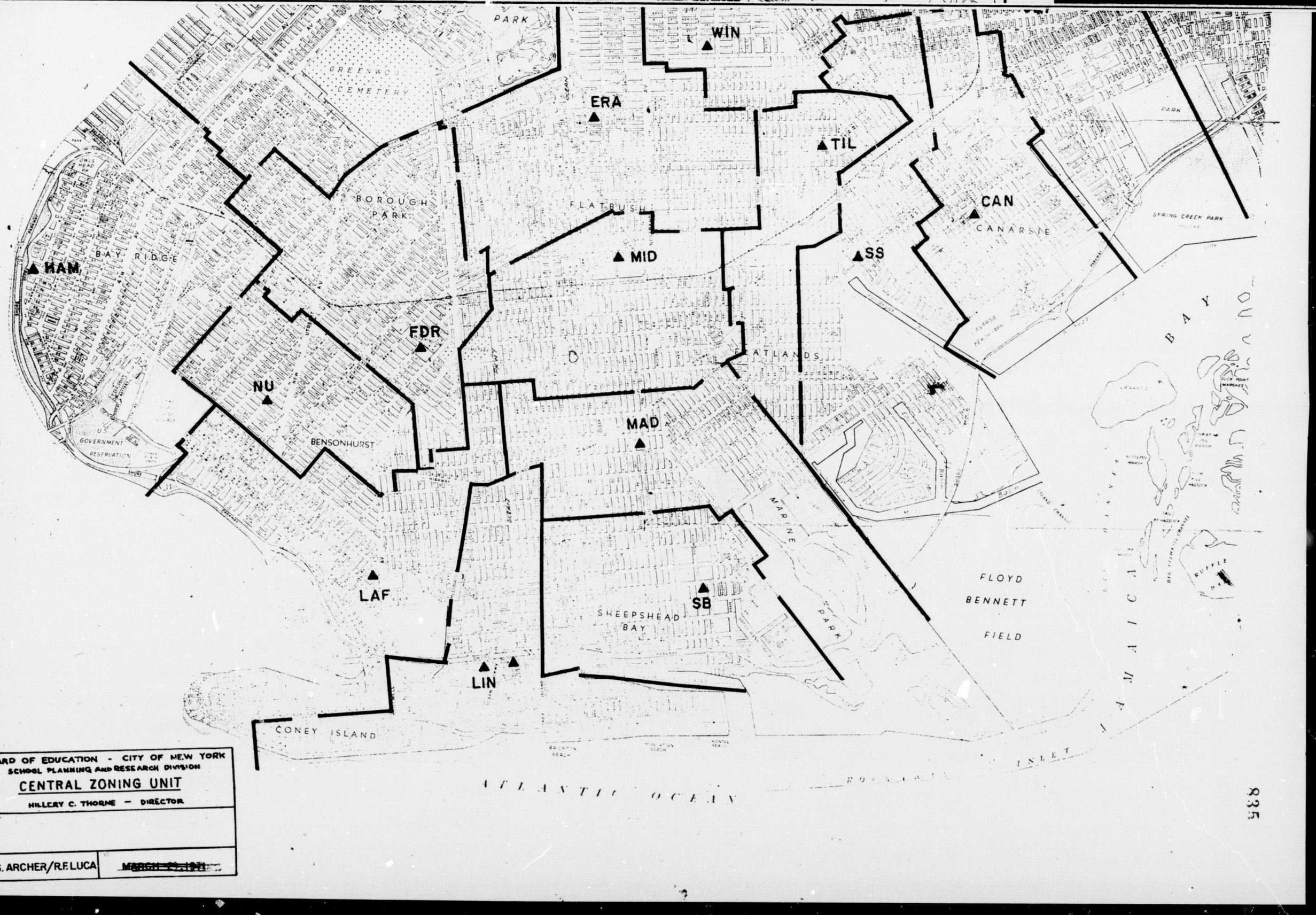
Brooklyn Academic High School Zon 973

BROOKLYN ACADEMIC HIGH SCHOOL ZONES - 1972-73

DEFENDANT'S EXHIBIT 68

LEGEND	
LIN	A. LINCOLN
BUSH	BUSHWICK
CAN	CANARSIE
E D	EASTERN DISTRICT
ERA	ERASMUS
HAM	FT. HAMILTON
FDR	F. D. ROOSEVELT
FKL	F. K. LANE
WIN	G. WINGATE
MAD	J. MADISON
JJ	JOHN JAY
LAF	LAFAYETTE
MID	MIDWOOD
NU	NEW UTRECH
TIL	TILDEN
SB	SHEEPSHEAD BAY
JEF	JEFFERSON
S S	SOUTH SHORE
BYS	BOY'S HIGH
R H	RICHMOND HILL
BRY	W. BRYANT





BOARD OF EDUCATION - CITY OF NEW YORK
SCHOOL PLANNING AND RESEARCH DIVISION

CENTRAL ZONING UNIT

HILLERY C. THORNE — DIRECTOR

F.S. ARCHER/R.F. LUCA | MARCH 29, 1971

835

Defendants' Exhibit K

Queens High School Zones 1966-1967

KEY TO
QUEENS ACADEMIC HIGH SCHOOLS

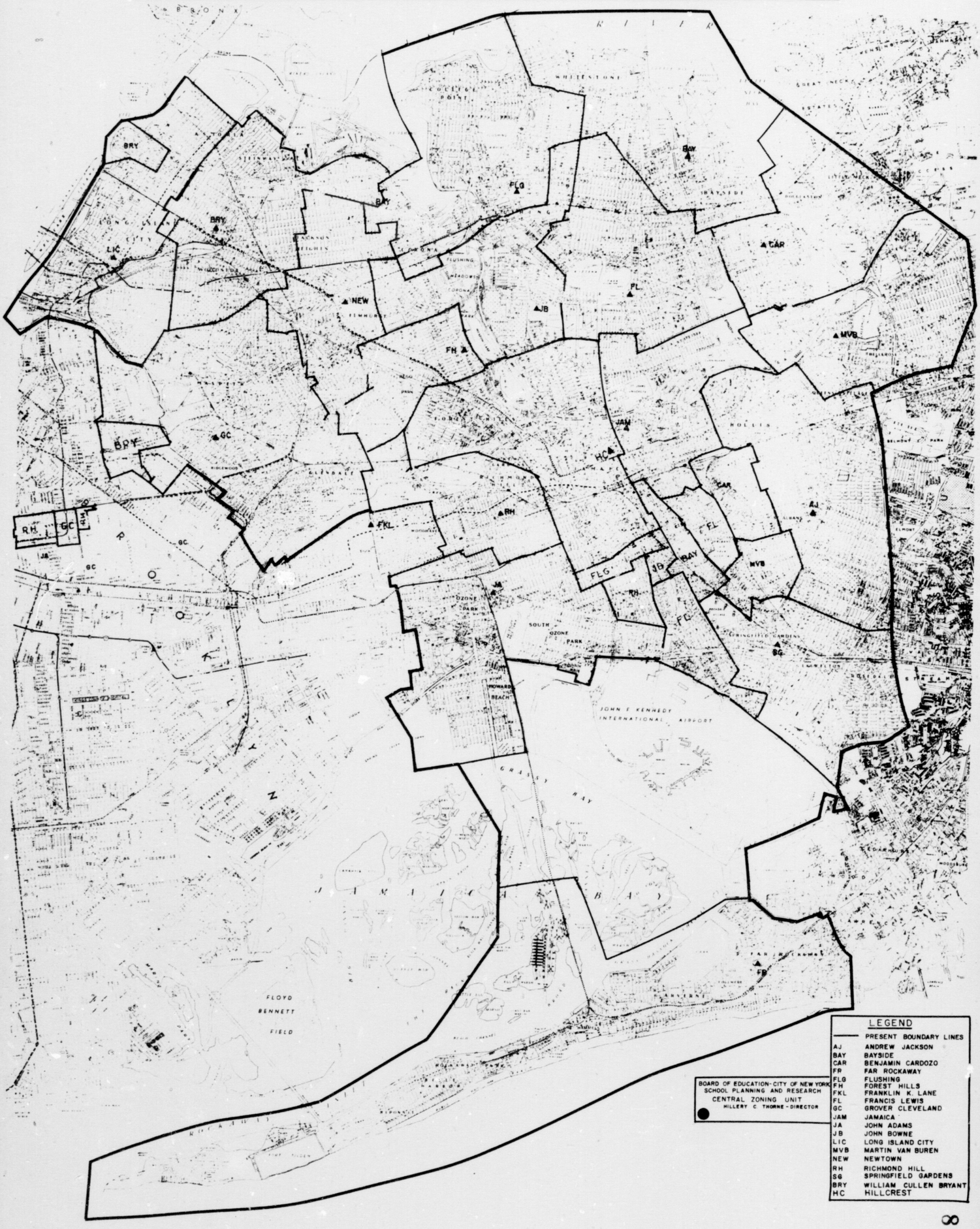
AJ	Andrew Jackson	JA	John Adams
Bay	Bayside	JB	John Bowne
Car	Benjamin Cardozo	LIC	Long Island City
FR	Far Rockaway	MVB	Martin Van Buren
Flg	Flushing	New	Newtown
FH	Forest Hills	RH	Richmond Hill
FL	Francis Lewis	SG	Springfield Gardens
GC	Grover Cleveland	Bry	William Cullen Bryant
Jam	Jamaica		

QUEENS ACADEMIC HIGH SCHOOL ZONES

Defendants' Exhibit L

Queens High School Zones 1971-1972

QUEENS HIGH SCHOOL ZONE LINES EFFECTIVE SEPTEMBER 1971



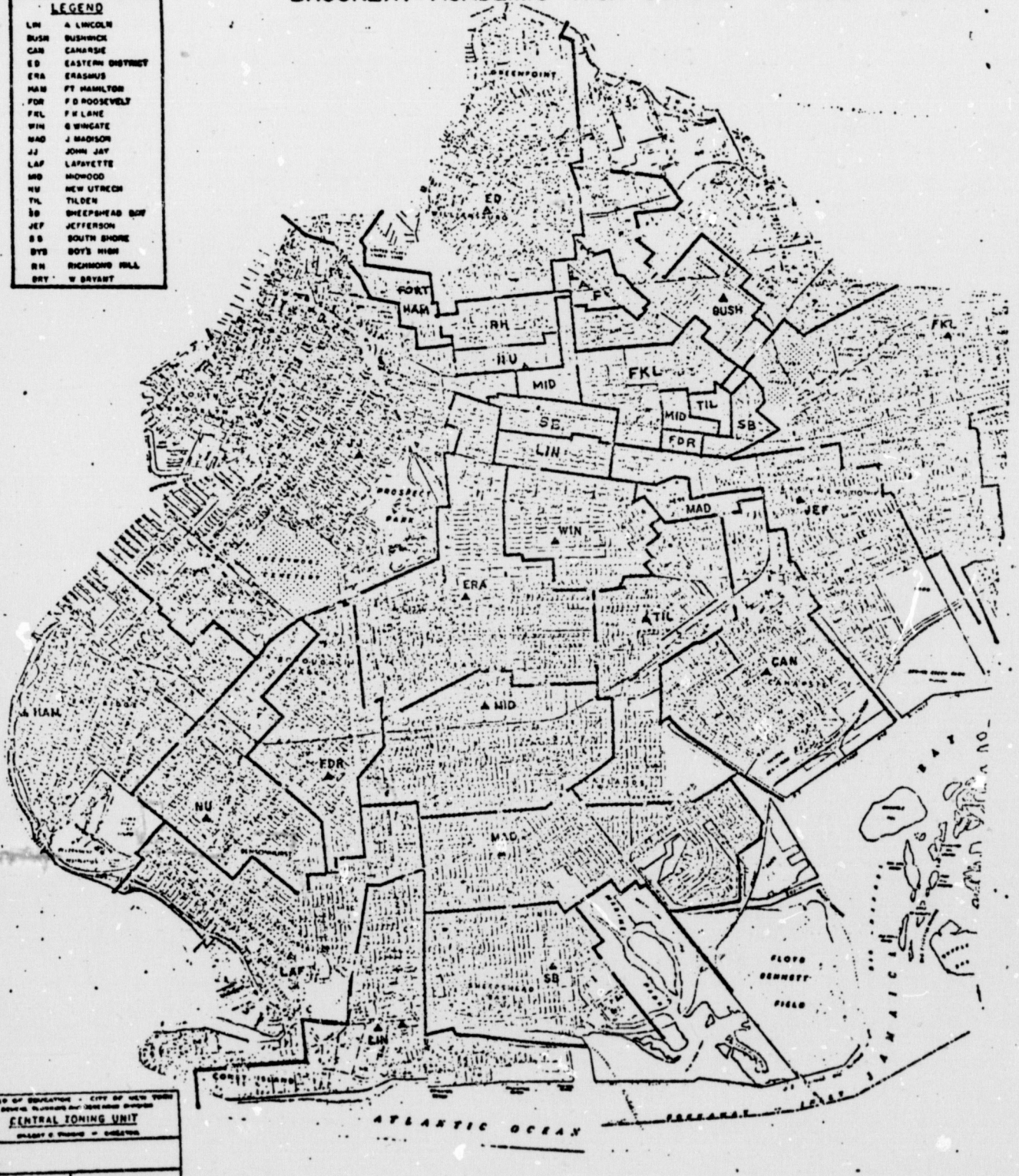
Defendants' Exhibit M

Brooklyn Academic High School Zones
1968-69, 1969-70, 1970-71, 1971-72

BROOKLYN ACADEMIC HIGH SCHOOL ZONES - 1968-69

BROOKLYN ACADEMIC HIGH SCHOOL ZONES - 1969-70

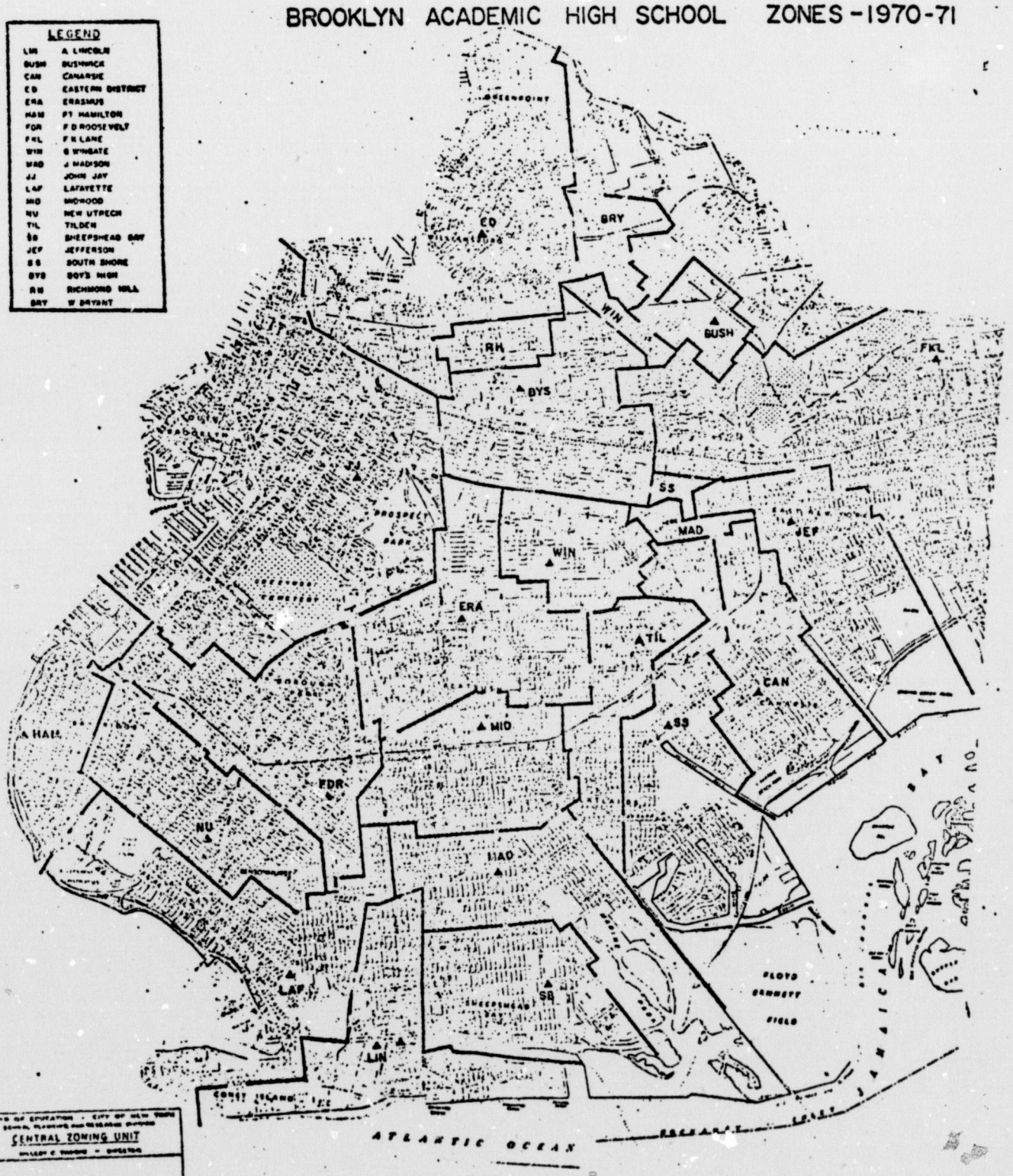
LEGEND	
LIN	A LINCOLN
BUSH	BUSHWICK
CAN	CANARSIE
ED	EASTERN DISTRICT
ERA	ERASMUS
HAM	FT HAMILTON
FDR	F D ROOSEVELT
FKL	F K LANE
WIN	G WINGATE
MAD	J MADISON
JJ	JOHN JAY
LAF	LAFAYETTE
MID	MIDWOOD
NU	NEW UTRECH
TIL	TILDEN
SB	SHEEPSHEAD BAY
JEF	JEFFERSON
SS	SOUTH SHORE
BYS	BOY'S HIGH
RH	RICHMOND HILL
BRY	W BRYANT



BOARD OF EDUCATION - CITY OF NEW YORK
DIVISION PLANNING AND INSTRUCTIONAL SERVICES
CENTRAL ZONING UNIT
BUREAU OF PLANNING AND EVALUATION

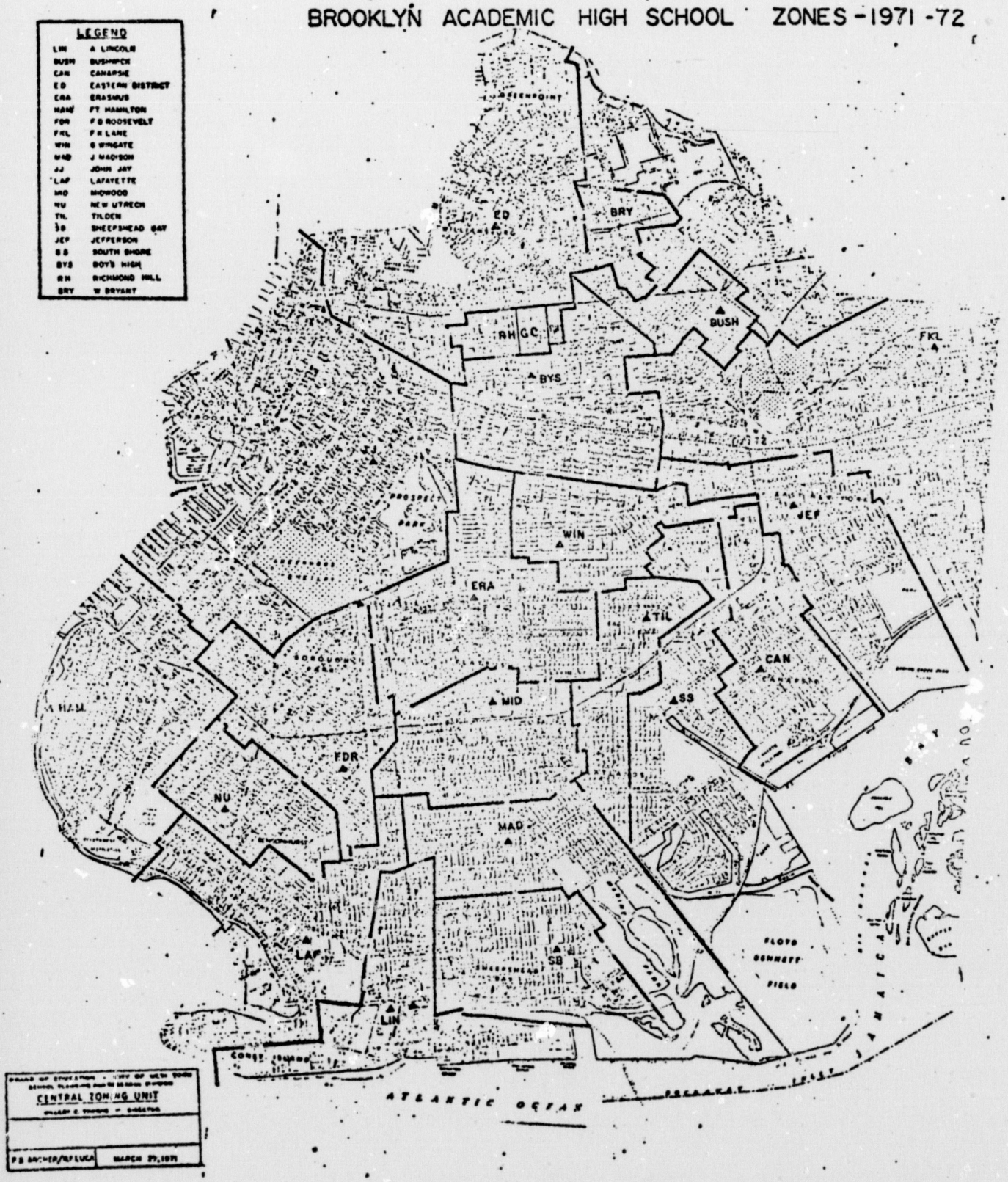
F.G. ARCHER/G.J. LUCA — MARCH 28, 1970

BROOKLYN ACADEMIC HIGH SCHOOL ZONES - 1970-71



BOARD OF EDUCATION - CITY OF NEW YORK
CENTRAL ZONING UNIT
F.S. ARCHER/REPLICA | MARCH 23, 1970

BROOKLYN ACADEMIC HIGH SCHOOL ZONES - 1971 - 72



Defendants' Exhibit N

1971-72 Open Admissions Announcement

HIGH SCHOOL MEMORANDUM **846** 1971-72

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF HIGH SCHOOLS
OFFICE OF INTERMEDIATE AND JUNIOR HIGH SCHOOLS
CENTRAL ZONING UNIT
110 Livingston Street
Brooklyn, New York 11201

TO: Community School Board Chairmen, Brooklyn
Community Superintendents, Brooklyn
Principals of Academic High Schools, Brooklyn
Principals of Junior High and Intermediate Schools, Brooklyn

SUBJECT: Open Admissions Program - Junior High and Intermediate Schools to Academic High Schools in the borough of Brooklyn.

Ladies and Gentlemen:

An Open Admissions Program has been instituted to apply to certain academic high schools in the borough of Brooklyn. This plan has been developed in an attempt to secure appropriate building utilization and to assure an integrated school population, as widely as possible, in the borough of Brooklyn.

Pupils eligible to participate in the Open Admissions Program will be given the opportunity to indicate their choice of schools in a given cluster of high schools. The students may, if they prefer, attend their locally zoned academic high schools.

Assignments will be made with the consent of the parent or guardian to the extent that space is available in the "receiving"high schools.

The following is an outline of the Open Admissions Program:

1 - Students attending I.S. 320K and J.H.S. 61K, who reside in the zone of Erasmus Hall High School will indicate their preference from among the following:

Abraham Lincoln High School
Lafayette High School
Sheepshead Bay High School
James Madison High School
Midwood High School

OR

Erasmus Hall High School

It is urged that each student list all five choices in order of his preference.
Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

2 - The present South Shore High School enclave will become part of the Thomas Jefferson High School zone. Students who reside in this area will indicate their preference from among the following:

South Shore High School
James Madison High School
Midwood High School
Sheepshead Bay High School

OR

Thomas Jefferson High School

It is urged that each student list all four choices in order of his preference.
Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

3 - The present James Madison High School enclave will become part of the George W. Wingate High School zone. Students who reside in this area will indicate their preference from among the following:

South Shore High School
James Madison High School
Midwood High School
Sheepshead Bay High School

OR

George W. Wingate High School

It is urged that each student list all four choices in order of his preference.
Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

4 - Students attending I.S. 271K and I.S. 55K, who reside in the zone of Franklin K. Lane High School, will indicate their preference from among the following:

South Shore High School
James Madison High School
Midwood High School

OR

Franklin K. Lane High School

It is urged that each student list all three choice in order of his preference.
Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

5 - The present George W. Wingate High School enclave will become part of the Bushwick High School zone.

6 - The zone for Boys High School will remain unchanged. Students residing in this zone, both boys and girls, will indicate their preference from among the following:

Midwood High School
Sheepshead Bay High School
Abraham Lincoln High School
New Utrecht High School
James Madison High School
South Shore High School

OR

Boys High School (boys only)
Girls who wish to enter an all-girls school will be assigned to either Prospect Heights High School or Bay Ridge High School.

It is urged that each student list all six choices in order of his preference.
Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

7 - Students residing in the zone of Eastern District High School may indicate a preference between the following:

Fort Hamilton High School
Franklin D. Roosevelt High School

OR

Eastern District High School

It is urged that each student list both schools in order of his preference.

Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

PROCEDURE AND TIMETABLE

1. Provision should be made immediately for the guidance staff in the "sending" intermediate and junior high schools to discuss the Open Admissions Program with parents and guardians.
APR. 5 1971

2. MONDAY, MARCH 29, 1971
   2.1 Sending schools will receive from the Office of High Schools
   2.1.1. High School Memorandum describing Open Admissions Program
   2.1.2. Sample application in English/Spanish to be duplicated by the "sending schools"
   2.1.3. Sample letters to parent/guardian containing the list of "receiving" high schools in English/Spanish for duplication in the "sending" schools.

3. MONDAY, APRIL 5, 1971
   3.1 Sending schools will distribute the following to eligible pupils.
   3.1.1. "Letter to Parent or Guardian" with the list of receiving academic high schools.
   3.1.2. Applications in English and Spanish.
   3.2 "Letter to Parent or Guardian" with the list of receiving academic high schools and applications are to be mailed to absent pupils on the same day.
   3.3 A supply of "Letter to Parent or Guardian" with the list of receiving academic high schools and applications is to be retained in the sending intermediate and junior high schools for distribution to private and parochial school pupils upon request, provided such pupils meet the eligibility requirements as outlined on pages 1 and 2.

4. FRIDAY, APRIL 16, 1971
   4.1 Final date for mailing applications. The signature of the parent or guardian is required on all applications.

   NO APPLICATION POSTMARKED AFTER THIS DATE WILL BE ACCEPTED

   4.2 Applications are to be mailed by the parents/guardians to:

   OPEN ADMISSIONS PROGRAM
   BOX 158
   TIMES PLAZA STATION
   BROOKLYN, NEW YORK 11217

   4.3 Assignments will be made to the extent of the availability of seats in the receiving schools. Should applications exceed the number of seats available in a particular receiving school, assignments will then be made on a random sampling basis using authorized statistical tables.

Yours sincerely,

Approved:

Irving Anker
Deputy Chancellor

Hillery C. Thorne, Director
Central Zoning Unit

Jacob Zack, Ass't. Supt.
Co-ordinator, Office of High Schools

Joseph L. Brennan, Ass't. Supt.
Oscar Dombrow, Ass't. Supt.
Office of High Schools

Daniel Schreiber, Ass't. Supt.
Office of Junior High Schools

APPLICATION FOR OPEN ADMISSION 849

Applications are to be mailed to:

Open Admissions Program
Box 158
Times Plaza Station
Brooklyn, New York

2. NO APPLICATION POSTMARKED LATER THAN APRIL 16, 1971 WILL BE ACCEPTED.

3. List your preferences for high school assignment in the spaces provided below.

4. You may choose only from among those high schools offered as receiving schools for your school.

5. If admitted to one of the schools listed, your child will be expected to remain for at least one year.

OPEN ADMISSIONS APPLICATION

Pupil's Name (Print)_____ _____
(Last) (First)

Present Junior High School No._____Grade_____Class_____

I hereby request that my child, whose name is printed above, be permitted to attend one of the following schools in the order of my preference.
(Print the names of the school (s) requested in the spaces below.)

First Choice_____

Second Choice_____

Third Choice_____

Fourth Choice_____

Fifth Choice_____

SIXTH Choice_____

_____
(Print - Name of Parent)

_____
(Signature of Pupil)

_____
(Signature of Parent)

Address_____

RETURN THIS SECTION TO YOUR COUNSELOR

Pupils Name_____Class_____

First Choice_____

Second Choice_____

Third Choice_____

Fourth Choice_____

Fifth Choice_____

SIXTH Choice_____

_____ _____
(Signature of Pupil) (Signature of Parent)

SAMPLE LETTER

850

Date

To the Parent or Guardian:

Your child will be attending an academic high school in September 1971. At the direction of the Chancellor, an adjustment of Brooklyn high school zones and feeder patterns has been effected.

In some instances pupils are being offered placement in certain high schools on an optional basis. Under this Open Admissions Program your child may attend:

1. The high school which is zoned to serve the area of your residence

   (Insert name of proper high school in this space)

   OR

2. To the extent that space is available, one of the academic high schools listed below.

   In some schools space is limited. We therefore suggest that you indicate several choices in order of your preference, when you fill out your application.

   You may choose only from those schools listed in this letter.

   (LIST IN THIS SPACE APPROPRIATE RECEIVING HIGH SCHOOLS WHICH APPLY TO YOUR JUNIOR HIGH OR INTERMEDIATE SCHOOL AS STATED ON PAGES 1 AND 2 OF THE HIGH SCHOOL MEMORANDUM)

If you wish your child to attend one of the schools listed above, fill out the attached "Application For Open Admissions." Mail it not later than April 16, 1971 to:

OPEN ADMISSIONS PROGRAM
BOX 158
TIMES PLAZA STATION
BROOKLYN, N. Y. 11217

MPLE LETTER

851

El 1° de Abril de 1971

A los padres o guardianes:

Su hijo asistirá a la escuela superior académica en septiembre de 1970. Por instrucciones del se efectuará algunos cambios en la manera asignación de alumnos en las escuelas superiores de Brooklyn

En algunos instantes a los alumnos se los ofrecerán puestos en ciertas escuelas a base de opción. Bajo este Programa de Matrícula Abierta su hijo puede asistir a:

1. La escuela que oficialmente está asignada para el área de su residencia.

   (Insert name of proper high school in this space)

2. Una de las escuelas secundarias académicas indicadas ajajo, según el espacio que haya.

En algunas escuelas, el espacio está limtado. Por eso, le sugerimos que indique varias selecciones en orden de su preferencia, cuando llena la solicitud.

Pueda ud. escoger únicamente de la lista indicada en esta carta;

(LIST IN THIS SPACE APPROPRIATE RECEIVING HIGH SCHOOLS WHICH APPLY TO YOUR JUNIOR HIGH OR INTERMEDIATE SCHOOL AS STATED ON PAGES 1 AND 2 OF THE HIGH SCHOOL MEMORANDUM)

Si usted desea que su hijo asista a una de las escuelas aquí indicada, sírvase llenar la solicitud adjunta y envíela a más tardar el 16 de abril de 1971 a la siguiente dirección.

BOX 158
TIMES PLAZA STATION
BKLYN, N.Y. 11217

SCHOOL MEMORANDUM 1971-72

852

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF HIGH SCHOOLS
OFFICE OF INTERMEDIATE AND JUNIOR HIGH SCHOOLS
CENTRAL ZONING UNIT
110 Livingston Street
Brooklyn, New York 11201

TO: Community School Board Chairmen, Brooklyn
Community Superintendents, Brooklyn
Principals of Certain Academic High Schools, Brooklyn
Principals of I.S. 293K; J.H.S. 136K; J.H.S. 142K; J.H.S. 294K

SUBJECT: Choice of Admissions Program for John Jay High School

Ladies and Gentlemen:

A Choice of Admissions Program has been instituted to apply to certain academic high schools in the Borough of Brooklyn. This plan was developed in an attempt to secure relief for John Jay High School from an overutilized situation which has reached unmanageable and dangerous proportions.

The following schools have been removed from the feeder pattern of John Jay High School in order to reduce the entering class to a viable number.

I.S. 293K; J.H.S. 136K; J.H.S. 142K; J.H.S. 294K

The students who would normally enter John Jay High School from these schools will be permitted to make a choice of admission to one of the schools in the cluster listed below.

Fort Hamilton High School
Franklin D. Roosevelt High School
Lafayette High School
New Utrecht High School

It is urged that each student list all four schools in order of his preference. Every effort will be made to assign pupils to schools of their first choice. However, since seats are limited in some instances, a method of random selection will be used when requests exceed availability.

USE ONLY THE YELLOW APPLICATION FORMS WHICH ARE PROVIDED FOR THIS PROGRAM.

PROCEDURE AND TIME-TABLE

1. Provision should be made immediately for the guidance staff in each intermediate and junior high school involved to discuss the Choice of Admission Program with parents and guardians.

2. COLLECTION OF APPLICATIONS

2.1 Each guidance counsellor is requested to collect the completed applications in his school. Please be certain that an application is on file for every student - including absentees.

2.1.1 Return applications by messenger as soon as possible, prior to the closing date for filing (April 16, 1971) to:

Board of Education
110 Livingston Street
Brooklyn, N.Y. 11201
Room 515

2.1.2 When a final delivery of applications is made your package should contain a list of all pupils who have not returned signed applications.

2.1.3 Students who do not return applications will be

3.

3.1 Sending Schools will receive from the Office of High Schools:

3.1.1 High School Memorandum describing Choice of Admissions Program.

3.1.2 A supply of applications to be used for Choice of Admissions Program.

3.1.3 Sample letters to parent/guardian in English/Spanish containing list of receiving high schools for duplication in the sending schools.

4. MONDAY, APRIL 5, 1971

4.1 Sending schools will distribute the following to eligible pupils.

4.1.1 "Letter to Parent or Guardian" with the list of receiving academic high schools.

4.1.2 Applications in English and Spanish

4.2 "Letter to Parent or Guardian" with the list of receiving academic high schools and applications are to be mailed to absent pupils on the same day.

4.3 A supply of "Letter to Parent or Guardian" with the list of "receiving" academic high schools and applications is to be retained in the sending intermediate and junior high schools for distribution to private and parochial school pupils upon request, provided such pupils meet the eligibility requirements as outlined on page 1.

Yours sincerely,

Hillery C. Thorne, Director
Central Zoning Unit

Approved:

Jacob Zack, Ass't. Supt.
Co-ordinator, Office of High Schools

Irving Anker
Deputy Chancellor

Joseph L. Brennan, Ass't. Supt.
Oscar Dombrow, Ass't. Supt.
Office of High Schools

Daniel Schreiber, Ass't. Supt.
Office of Junior High Schools

854

(DATE)_____

TO THE PARENT OR GUARDIAN:

Your child will be attending an academic high school in September 1971. At the direction of the Chancellor, an adjustment in the feeder pattern of John Jay High School was effected. This was necessary in order to prevent a dangerous overloading of this school which is now functioning far above its normal capacity.

Pupils graduating from I.S. 293-K, J.H.S. 136-K, J.H.S. 142-K and J.H.S. 294-K, cannot be accommodated at John Jay High School. They will be given the opportunity to attend:

Fort Hamilton High School
Franklin D. Roosevelt High School
Lafayette High School
New Utrecht High School

You are requested to indicate your choice of assignment, in order of preference, on the attached application.

PLEASE LIST ALL FOUR SCHOOLS IN ORDER OF YOUR PREFERENCE

As far as possible, an attempt will be made to assign a pupil to his first choice.

Return the signed application to your child's guidance counsellor immediately.

855

(Date)

Queridos padres:

Su hijo va a assistir a una escuela superior en septiembre de 1971. Por instrucciones del gancilier, se efectuará una modificación en la forma de asignar a los alumnos a :
John Jay High School. Es necesario llevar este plan a cabo para evitar una sobre utilización peligrosa del espacio en esta escuela que actualmente funciona a una capacidad fuera de lo normal.

No se aceptará en septiembre de 1971 a los graduandos de I.S. 293-K, J.H.S. 136-K, J.H.S. 142-K y J.H.S. 294-K en la escuela superior llamada JOHN JAY, pero tendrán la oportunidad de asistir a una de las escuelas siguientes:

Fort Hamilton High School
8301 Shore Road
Brooklyn, N.Y. 11209

Franklin D. Roosevelt High School
5800 20th Avenue
Brooklyn, N.Y. 11204

Lafayette High School
2630 Benson Avenue
Brooklyn, N.Y. 11214

New Utrecht High School
1601 80th Street
Brooklyn, N.Y. 11214

Sírvase indicar las 4 escuelas pero en orden de su proferencia, en la solicitud adjunta.

En lo posible, trataremos de colocar a su hijo (a) en la escuela de su primera preferencia.

Sírvase devolver inmediatamente la solicitud con su firma al consejero de su hijo (a).

Defendants' Exhibit O

1972-73 Open Admissions Announcement

HIGH SCHOOL MEMORANDUM 857 1972-73

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF HIGH SCHOOLS
OFFICE OF INTERMEDIATE AND JUNIOR HIGH SCHOOLS
CENTRAL ZONING UNIT
110 Livingston Street
Brooklyn, New York 11201

HS on or about April '72

TO: Community School Board Chairmen, Brooklyn
Community Superintendents, Brooklyn
Principals of Academic High Schools, Brooklyn
Principals of Junior High and Intermediate Schools, Brooklyn

SUBJECT: Open Admissions Program - Junior High and Intermediate Schools to Academic High Schools in the borough of Brooklyn.

Ladies and Gentlemen:

An Open Admissions Program has been instituted to apply to certain academic high schools in the borough of Brooklyn. This plan has been developed in an attempt to secure appropriate building utilization and to assure an integrated school population, as widely as possible, in the borough of Brooklyn.

Pupils eligible to participate in the Open Admissions Program will be given the opportunity to indicate their choice of schools in a given cluster of high schools. The students may, if they prefer, attend their locally zoned academic high schools.

Assignments will be made with the consent of the parent or guardian to the extent that space is available in the "receiving" high schools.

The following is an outline of the Open Admissions Program:

1 - Students attending I.S. 320-K and J.H.S. 61-K, who reside in the zone of Erasmus Hall High School will indicate their preference from among the following:

Abraham Lincoln High School
Lafayette High School
Sheepshead Bay High School
James Madison High School
Midwood High School
Erasmus High School

It is urged that each student list all six choices in order of his preference since space at Erasmus Hall H.S. is limited. Assignments will be made on the availability of seats and geographic location.

2 - A school of Music and Arts is to be orgainized within Erasmus Hall High School for students throughout the borough of Brooklyn who are particularly interested in this field and whose performance record merits admission. This program will be initiated for the incoming ninth and tenth year students.

Special applications will be issued to each interested pupil by his guidance counselor. The records of students who apply will be reviewed by an admissions committee that will evaluate the performance achievement of the applicants.

3 - Students in the former South Shore High School skip zone* will continue to be assigned to their home school which is Thomas Jefferson High School but may option for:

South Shore High School
James Madison High School
Midwood High School
Sheepshead Bay High School

*Beginning at the intersection of Ralph and St. Marks Avenues; East to East New York Avenue; to Hopkinson Avenue; to Sutter Avenue to Strauss Street; to St. Johns Place; to Eastern Parkway; to Ralph Avenue; to St. Marks Avenue, point of origin.

It is urged that each student list all four choices in order of his preference. Assignments will be made on the availability of seats and geographic location.

4 - The students in the former James Madison High School skip zone* will continue to be assigned to George W. Wingate High School but may option for:

South Shore High School
James Madison High School
Midwood High School
Sheepshead Bay High School

It is urged that each student list all four choices in order of his preference. Assignments will be made on the availability of seats and geographic location.

*Beginning at the intersection of Buffalo Avenue and Eastern Parkway; East on Eastern Parkway to St. Johns Place; to Strauss Street; to Sutter Avenue; to Van Sinderen Avenue; to Blake Avenue; to Stone Avenue; to Dumont Avenue; to East 98th Street; to East New York Avenue; to Buffalo Avenue, to point of origin.

5 - Students attending I.S. 271-K and I.S. 55-K, who reside in the zone of Franklin K. Lane High School, will indicate their preference from among the following:

South Shore High School
James Madison High School
Midwood High School

OR

Franklin K. Lane High School

It is urged that each student list all three choices in order of his preference. Assignments will be made on the availability of seats and geographic location.

6 - Students in the former George W. Wingate High School skip zone *will continue to be assigned to Bushwick High School.

*Beginning at the intersection of Broadway and Flushing Avenue; East on Flushing Avenue to Evergreen Avenue; to Palmetto Street; to Broadway; to Gates Avenue; to Ralph Avenue; to Broadway; to point of origin.

7 - The zone for Boys High School will remain unchanged. Students residing in this zone, both boys and girls, will indicate their preference from among the following:

Midwood High School
Sheepshead Bay High School
Abraham Lincoln High School
New Utrecht High School
James Madison High School
South Shore High School

OR

Boys High School (boys only)

Girls who wish to enter an all girls school will be assigned to either Prospect Heights High School or Bay Ridge High School.

It is urged that each student list all six choices in order of his preference. Assignments will be made on the availability of seats and geographic location.

8 - Students residing in the zone of Eastern District High School may indicate a preference from among the following:

Fort Hamilton High School
Franklin D. Roosevelt High School

OR

Eastern District High School

It is urged that each student list both schools in order of his preference. Assignments will be made on the availability of seats and geographic location.

PROCEDURE AND TIMETABLE

1. Provision should be made immediately for the guidance staff in the "sending" intermediate and junior high schools to discuss the Open Admissions Program with parents and guardians.

2. THURSDAY, APRIL 13, 1972
   2.1 Sending schools will receive from the Office of High Schools:
      2.1.1 High School Memorandum describing Open Admissions Program
      2.1.2 Applications in English
      2.1.3 Sample letters to parent/guardian containing the list of "receiving" high schools in English/Spanish for duplication in the "sending" schools.

3. MONDAY, APRIL 17, 1972
   3.1 Sending schools will distribute the following to eligible pupils.
      3.1.1 "Letter to Parent or Guardian" with the list of receiving academic high schools.
      3.1.2 Applications in English
   3.2 "Letter to Parent or Guardian" with the list of receiving academic high schools and applications are to be mailed to absent pupils on the same day.
   3.3 A supply of "Letter to Parent or Guardian" with the list of receiving academic high schools and applications is to be retained in the sending intermediate and junior high schools for distribution to private and parochial school pupils upon request, provided such pupils meet the eligibility requirements as outlined on pages 1 and 2.

4. FRIDAY, APRIL 21, 1972
   4.1 Final date for mailing applications. The signature of the parent or guardian is required on all applications.

   NO APPLICATION POSTMARKED AFTER THIS DATE WILL BE ACCEPTED

   4.2 Applications are to be mailed by the parent/guardians to:

   OPEN ADMISSIONS PROGRAM
   BOX 158
   TIMES PLAZA STATION
   BROOKLYN, NEW YORK 11217

   4.3 Assignments will be made to the extent of the availability of seats in the receiving schools. Should applications exceed the number of seats available in a particular receiving school, assignments will then be made on a random sampling basis using authorized statistical tables.

Yours sincerely,

Hillery C. Thorne, Director
Central Zoning Unit

Approved:

Jacob Zack, Ass't. Supt. in Chg.
Office of High Schools

Irving Anker
Deputy Chancellor

Joseph L. Brennan, Ass't. Supt.
Oscar Dombrow, Ass't. Supt.
Office of High Schools

Daniel Schreiber, Ass't. Supt.
Office of Junior High Schools

SAMPLE LETTER

April 17, 1972

To the Parent or Guardian:

Your child will be attending an academic high school in September 1972. At the direction of the Chancellor, an adjustment of Brooklyn high school zones and feeder patterns has been effected.

In some instances pupils are being offered placement in certain high schools on an optional basis. Under this Open Admissions Program your child may attend:

1. The high school which is zoned to serve the area of your residence.

   (Insert name of proper high school in this space)

   OR

2. To the extent that space is available, one of the academic high schools listed below.

   In some schools space is limited. We therefore suggest that all the choices be indicated in order of your preference, when you fill out your application.

   You may choose only from those schools listed in this letter.

   (LIST IN THIS SPACE APPROPRIATE RECEIVING HIGH SCHOOLS WHICH APPLY TO YOUR JUNIOR HIGH OR INTERMEDIATE SCHOOL AS STATED ON PAGES 1 AND 2 OF THE HIGH SCHOOL MEMORANDUM)

If you wish your child to attend one of the schools listed above, fill out the attached "Application For Open Admissions". Mail it not later than April 21, 1972 to:

OPEN ADMISSIONS PROGRAM
BOX 158
TIMES PLAZA STATION
BROOKLYN, N.Y. 11217

SAMPLE LETTER

861

EL 17 de Abril de 1972

A los padres o guardianes:

Su hijo asistirá a la escuela superior académica en septiembre de 1972. Por instrucciones del canciller se efectuará algunos cambios en la manera de asignácion de alumnos en las escuelas superiores de Brooklyn.

En algunos instantes a los alumnos se los ofrecerán puestos en ciertas escuelas a base de opción. Bajo este Programa de "Open Admissions" su hijo puede asistir a:

1. La escuela que oficialmente está asignada al área de su residencia.

   (Insert name of proper high school in this space)

2. Una de las escuelas secundarias académicas indicadas abajo segun el espacio que haya.

En algunas escuelas, el espacio está limtado. Por eso, le sugerimos que indique **todas selecciones** mencionadas, en orden de su preferencia, cuando llena la solicitud.

Pueda ud. escoger únicamente de la lista indicada en esta carta;

(LIST IN THIS SPACE APPROPRIATE RECEIVING HIGH SCHOOLS WHICH APPLY TO YOUR JUNIOR HIGH OR INTERMEDIATE SCHOOL AS STATED ON PAGES 1 AND 2 OF THE HIGH SCHOOL MEMORANDUM)

Si usted desea que su hijo asista a una de las escuelas aquí indicada, sirvase llenar la solicitud adjunta y envíela a más tardar el 21 de abril de 1972 a la siguiente dirección.

BOX 158
TIMES PLAZA STATION
BROOKLYN, N.Y. 11217

Defendants' Exhibit P

Summary Judgment Motion for Identification Only
Filed as Part of Record

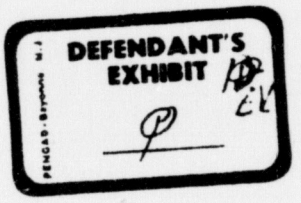
(Printed herein at pages 23A to 58A)

Defendants' Exhibit Q

From Brooklyn Enclaves to Queens
Academic High Schools

FROM BROOKLYN ENCLAVES TO QUEENS ACADEMIC HIGH SCHOOLS

(1969-1972)



WILLIAM C. BRYANT	1969	1970	1971	1972	TOTAL
J-49-K	--	58	34	34	126
J-111-K	--	95	105	142	342
J-162-K	--	4	0	7	11
	--	157	139	183	479
GROVER CLEVELAND					
J-111-K	11	13	12	19	55
J-126-K	44	42	36	42	164
J-162-K	78	90	93	104	365
J-296-K	7	8	2	5	22
J-49-K	--	2	4	5	11
J-57-K	--	--	3	8	11
I.S.-318-K	--	--	3	6	9
J-33-K	--	--	99	129	228
	140	155	252	318	865
RICHMOND HILL					
J-33-K	162	173	63	80	478
J-57-K	--	--	3	8	11
J-117-K	95	103	97	92	387
J-171-K	--	4	4	6	14
J-258-K	19	11	3	5	38
J-294-K	--	7	6	4	17
	276	298	176	195	945
JOHN ADAMS					
I.S.-218-K	4	5	4	5	18
TOTALS	420	615	571	701	2307

Defendants' Exhibit R

Press Release of Board of Education's Brooklyn Zoning Announcement Plans

866

For Release Tuesday AM, March 28, 1972

N 196 - 1971/72
March 24, 1972

BOARD OF EDUCATION OF THE CITY OF NEW YORK
110 Livingston Street, Brooklyn, N. Y. 11201

News Bureau, Office of Education Information Services and Public Relations

Phone: 596-4172

Regulations under which students will be zoned next fall into the 22 academic and comprehensive high schools of Brooklyn were announced today by Public Schools Chancellor Dr. Harvey B. Scribner.

The new zone rules involve the establishment of two special schools within existing schools---a School of Music and Art at Erasmus Hall High School and a School of Political Science at Samuel J. Tilden HS---open to students across the borough. Erasmus is at Flatbush and Church Avenues and Tilden is at 5800 Tilden Avenue.

The special School of Music and Art to be established at Erasmus Hall HS and the special School of Political Science at Samuel J. Tilden HS will be innovative programs for students throughout Brooklyn who are particularly interested in these fields and whose performance record merits admission. The special schools will begin next fall with incoming ninth and tenth-year students.

. more .

Three members of the faculty at Erasmus and at Tilden will be assigned now on a full-time basis to develop qualifications for admission and to build the curriculum. They will consult with college professors and others whose expertise in the fields is acknowledged. Also, additional teachers will be assigned to the new programs to guarantee their effectiveness.

Students who are accepted in the two schools after a review of their records by an admissions committee will commit themselves to a minimum of eight periods a day including lunch to fulfill the demands of the enriched program.

Zoning regulations have already been announced for academic and comprehensive high schools in Manhattan, the Bronx and Staten Island. Regulations for Queens are now being prepared.

The new zone lines apply to Brooklyn's 22 academic and comprehensive high schools only. The borough's nine vocational high schools are not involved, nor is Brooklyn Technical HS, a school which admits students city-wide after a special entrance examination.

The high schools remain under the Central Board of Education while the elementary and junior high schools are under the jurisdiction of the 31 Community School Boards.

High School zones throughout the city are altered from time to time at the beginning of a school year, particularly when new schools open, when old schools are closed or replaced, or when population patterns change.

. more .

In general, the zoning of schools is intended to promote better utilization of the high schools of the borough; to further racial integration; to recognize geographic factors, such as the proximity of school to the students, natural boundaries, and major traffic arteries; to consider the availability of transportation facilities, and to insure the continuity of the education of students.

Full public discussion precedes the adoption of a final zoning plan. A tentative plan is submitted for discussion at public meetings, before which all interested parties are notified and provided with pertinent data, such as registers of feeder schools, utilization factors, ethnic distribution of pupils, maps and transportation data.

Modifications of zoning plans are presented to the Office of Deputy Chancellor Irving Anker for submission to Dr. Scribner. Parents associations and interested community groups may appeal Dr. Scribner's final zoning decisions to the Board of Education if they so desire.

Following are the zone lines for Brooklyn's academic and comprehensive high schools, together with a table showing the utilization and ethnic balance of the schools:

. more .

ABRAHAM LINCOLN HIGH SCHOOL

Zone: Beginning at the intersection of shoreline and West 37th Street; north on West 37th Street to Mermaid Avenue; to Stillwell Avenue; to Shore Parkway; to Shell Road; to McDonald Avenue; to Kings Highway; to Coney Island Avenue; to Neptune Avenue; to Shore Boulevard; to Sea Wall Avenue; to shoreline; west to point of origin.

It is anticipated that 200 seats will be available in the Open Admissions Program enabling students in the Boys High School and Prospect Heights High School zones to opt for Abraham Lincoln High School. Students of Junior High School 61 and Intermediate School 320 who are presently in the Erasmus Hall High School zone may also opt for Abraham Lincoln High School. Determination of assignment will be made according to ethnicity, availability of seats and geographic location.

BAY RIDGE HIGH SCHOOL

Zone: No zoning restrictions. Open to all girls living in Brooklyn.

BOYS HIGH SCHOOL

Zone: Beginning at the intersection of Grand Avenue and Lexington Avenue; east on Lexington Avenue to Tompkins Avenue; to Van Buren Street; to Throop Avenue; to Vernon Avenue; to Summer Avenue; to Broadway; to Ralph Avenue; to Gates Avenue; to Reid Avenue; to MacDonough Street; to Ralph Avenue; to Eastern Parkway; to Washington Avenue; to Fulton Street; to Grand Avenue; north to point of origin.

Students in Boys High School will remain with their current zone but will be afforded the opportunity to participate in the optional admissions program for the following schools: Midwood, Sheepshead Bay, Abraham Lincoln, New Utrecht, South Shore, James Madison. Each applicant will state a preference numbering from 1 to 6. However, the determination of the assignment will be made according to ethnicity, availability of seats and geographic location.

BUSHWICK HIGH SCHOOL

Zone: Area 1: Beginning at Wilson Avenue and Stockholm Street; along Stockholm Street to west side of Cypress Avenue; to Putnam Avenue; to Brooklyn-Queens border; to Covert Street; to Wilson Avenue; to Schaffer Street; to Evergreen Avenue; to Cornelia Street; to Central Avenue; to Palmetto Street; to Broadway; to Gates Avenue; to Ralph Avenue; to Broadway; to Flushing Avenue; to Evergreen Avenue; to Hart Street; to Wilson Avenue; to Stockholm Street; to point of origin.

*Area 11: Beginning at intersection of Broadway and Flushing Avenue; east on Flushing Avenue; to Evergreen Avenue; to Palmetto Street; to Broadway; to Gates Avenue; to Ralph Avenue; to Broadway; to point of origin.

*Students in the former Wingate skip zone will continue to be assigned to Bushwick High School. (This plan continues the 1971-1972 pattern.)

CANARSIE HIGH SCHOOL

Zone: Beginning at the intersection of Rockaway Avenue and Dumont Avenue; East on Dumont Avenue; to Stone Avenue; to Blake Avenue; to Van Sinderen Avenue; to Riverdale Avenue; to Williams Avenue; to Linden Boulevard; to Louisiana Avenue; to Flatlands Avenue; to Fresh Creek Basin; to Shoreline; west along Shoreline to Paerdegat Basin; north along Paerdegat Basin; to Seaview Avenue; to 85th Street; to Avenue J; to 88th Street; to Flatlands Avenue; to East 93rd Street; to Foster Avenue; to Rockaway Avenue; to point of origin.

EASTERN DISTRICT HIGH SCHOOL

Zone: Beginning at the intersection of Newtown Creek and Kingsland Avenue; Kingsland Avenue to Maspeth Avenue; to Bushwick Avenue; to Flushing Avenue; to Sumner Avenue; to Myrtle Avenue; to west side of Emerson Place; to Willoughby Avenue; to Hall Street; to Lafayette Avenue; to Grand Avenue; to Putnam Avenue; to Fulton Street; to waterfront; along waterfront to Newtown Creek; to point of origin.

Pupils whose home school is Eastern District, may, if they choose, option for assignment to Fort Hamilton and Franklin D. Roosevelt High Schools. Each applicant will state a preference numbering from 1 to 2. However, the determination of assignment will be made according to ethnicity, availability of seats and geographic location.

ERASMUS HALL HIGH SCHOOL

Zone: Beginning at the intersection of Washington Avenue and Eastern Parkway; east on Eastern Parkway to Nostrand Avenue; to Parkside Avenue; to New York Avenue; to Clarkson Avenue; to East 39th Street; to Church Avenue; to Schenectady Avenue; to Farragut Road; to Nostrand Avenue; to Foster Avenue; to Ocean Parkway; to 18th Avenue; to East 3rd Street; to Caton Avenue; to MacDonald Avenue; to Fort Hamilton Parkway; to Parkside Avenue; to Ocean Avenue; to Empire Boulevard; to Washington Avenue; north to point of origin.

Maximally 50 students of INtermediate School 320 and 20 students of Junior High School 61 who are presently in the Erasmus Hall High School zone may attend Erasmus, but all others are to opt for Lincoln, Lafayette, Sheepshead Bay, Madison, and Midwood. Each applicant will state a preference numbering from 1 to 5. However, the determination of assignment will be made according to ethnicity, availability of seats and geographic location.

In addition, an innovative program is to be instituted. A school of Music and Art is to be organized within the school for students throughout the borough who are particularly interested in this field and whose performance record merits admission. This program will be initiated for the incoming ninth and tenth year students.

The records of students who apply will be reviewed by an admissions committee that will evaluate the performance achievement of the applicants.

Three members of the faculty are to be assigned immediately on a full-time basis to develop the qualifications for admissions and the curriculum of study. It is expected that arrangements will be made for consultation with distinguished college professors as well as other consultants whose expertise in the field is acknowledged.

ERASMUS HALL HIGH SCHOOL (CONT.)

The assignment of additional faculty is assured in order to guarantee the effectiveness of this program.

Students who are admitted to the School of Music and Art commit themselves to a minimum of eight periods a day including lunch in order to fulfill the demands of the enriched program.

The ethnic balance for this school of Music and Art will reflect the ethnic balance of the high schools of the borough.

FORT HAMILTON HIGH SCHOOL

Zone: Beginning at the bay and 53rd Street; along 53rd Street to 4th Avenue; to 54th Street; to 5th Avenue; to 55th Street; to 7th Avenue; to 60th Street; to 11th Avenue; to 86th Street; to 14th Avenue; to bay (along and extension of 14th Avenue); west and north to point of origin.

It is anticipated that 150 seats will be available in the Open Admissions Program to enable students in the Eastern District High School zone to option for Fort Hamilton High School. The determination of assignment will be made according to ethnicity, availability of seats and geographic location.

FRANKLIN DELANO ROOSEVELT HIGH SCHOOL

Zone: Beginning at intersection of 36th Street and Fort Hamilton Parkway; east on Fort Hamilton Parkway; to McDonald Avenue; to Caton Avenue; to East 3rd Street; to 18th Avenue; to Ocean Parkway; to Bay Parkway; to McDonald Avenue; to Avenue P; to West 5th Street; to Quentin Road, to West 7th Street; to 65th Street; to 14th Avenue; to 67th Street; to 12th Avenue; to 66th Street; to 11th Avenue; to 60th Street; to 7th Avenue; to 48th Street; to 11th Avenue; to New Utrecht Avenue; to Fort Hamilton Parkway; to point of origin.

It is anticipated that 150 seats will be available in the Open Admissions Program to enable students in the Eastern District High School zone to option for Franklin Delano Roosevelt High School. The determination of assignment will be made according to ethnicity, availability of seats and geographic location.

FRANKLIN K. LANE HIGH SCHOOL

Zone: Beginning at the intersection of Gates Avenue and Reid Avenues; east on Gates Avenue to Broadway; to Palmetto Street; to Central Avenue; to Cornelia Street; to Evergreen Avenue; to Schaffer Street; to Wilson Avenue; to Covert Street; to Brooklyn-Queens boundary; to boundary of Cemetery of the Evergreens; east along northern boundary of the cemeteries to northern boundary of Forest Park; to Woodhaven Boulevard; to 97th Avenue; to Brooklyn-Queens boundary; to shoreline; west along the shoreline to Atkins Avenue (extended); north on Atkins Avenue (extended); to Dumont Avenue; to Shepherd Avenue; to Belmont Avenue; to Barbey Street; to Liberty Avenue; to Stone Avenue; to East New York Avenue; to St. Marks Avenue; to Ralph Avenue; to MacDonough Street; to Reid Avenue; north to point of origin. Where boundaries of Franklin K. Lane High School touch those of Thomas Jefferson High School, pupils on both sides of the street will go to Franklin K. Lane High School.

FRANKLIN K. LANE HIGH SCHOOL (cont)

Those students from INtermediate School 271 and Intermediate School 55 who reside in the Franklin K. Lane zone will attend Franklin K. Lane or option for South Shore, Madison or Midwood. Each applicant will state a preference numbering from 1 to 3. However, the determination of assignment will be made according to ethnicity, availability of seats and geographic location.

GEORGE W. WINGATE HIGH SCHOOL

Zone: Beginning at intersection of Nostrand Avenue and Eastern Parkway; east on Eastern Parkway; to St. Johns Place; to Strauss Street; to Sutter Avenue; to Van Sinderen Avenue; to Blake Avenue; to Stone Avenue; to Dumont Avenue; to East 98th Street; to Winthrop Street; to Rockaway Parkway; to Clarkson Avenue; to East 92nd Street; to Lenox Road; to Remsen Avenue; to Linden Boulevard; to East 53rd St.; Church Avenue; to East 39th Street; to Clarkson Avenue; to New York Avenue; to Parkside Avenue; to Nostrand Avenue; north to point of origin.

The students in the former James Madison skip zone* will be assigned to George W. Wingate High School, but may option for South Shore, Madison, Midwood or Sheepshead Bay. Each applicant will state a preference numbering from 1 to 4. However, the determination of assignment will be made according to ethnicity, availability of seats and geographic location. (This plan duplicates the 1971-1972 pattern.)

*Former Madison skip zone: Beginning at intersection of Buffalo Avenue and Eastern Parkway; east on Eastern Parkway to St. John's Place; to Strauss Street; to Sutter Avenue; to Van Sinderen Avenue; to Blake Avenue; to Stone Avenue; to Dumont Avenue; to East 98th Street; to East New York Avenue; to Buffalo Avenue; north to point of origin.

JAMES MADISON HIGH SCHOOL

Zone: Beginning at the intersection of Ocean Parkway and Avenue M; east on Avenue M to Coney Island Avenue; to Avenue N; to Flatlands Avenue; to Flatbush Avenue; to Shore Parkway; to Gerritsen Avenue; to Avenue X; to Burnett Street; to Avenue U; to Gerritsen Avenue; to Avenue T; to Coney Island Avenue; to Kings Highway; to Ocean Parkway; north to point of origin.

It is anticipated that 100 seats will be available in the Open Admissions Program to enable students in the former South Shore skip zone*, the former James Madison Skip zone, the students from Intermediate School 271 and Junior High School 55 who reside in the Franklin K. Lane zone and students from Intermediate School 320 and Junior High School 61 who are presently in the Erasmus Hall High School zone, to option for James Madison High School. However, the determination of assignment will be made according to ethnicity, availability of seats and geographic location.

*Former South Shore skip zone: Beginning at the intersection of Ralph Avenue and St. Marks Avenue; east on St. Marks Avenue; to East New York Avenue; to Hopkinson Avenue; to Sutter Avenue; to Strauss Street; to St. John's Place; to Eastern Parkway; to Ralph Avenue; to point of origin.

JOHN JAY HIGH SCHOOL

Zone: Beginning at the intersection of Fulton Street and the shore line; along Fulton Street to Washington Avenue; to Empire Boulevard; to Ocean Avenue; to Parkside Avenue; to Fort Hamilton Parkway; to New Utrecht Avenue; to 11th Avenue; to 48th Street; to 7th Avenue; to 55th Street; to 5th Avenue; to 54th Street; to 4th Avenue; to 53rd Street; to shore line and north along same to point of origin.

It is expected that the building at 500 Pacific Street, capable of seating approximately 750 pupils on the newly renovated second and third floors, will be used beginning in September of 1972 as an annex to John Jay High School.

The period March 1972-September 1973 will be used to allow the community, staff, and students, as well as School Planning, to make Sarah Hale ready for opening as a zoned, comprehensive high school in September 1973. John Jay for the first time in several years, will have a relatively tolerable level of utilization.

LAFAYETTE HIGH SCHOOL

Zone: Beginning at intersection of 14th Avenue and 86th Street; along 86th Street; to 20th Avenue; to 80th Street; to Stillwell Avenue; to Highlawn Avenue; to West 11th Street; to Quentin Road; to West 5th Street; to Avenue P; to McDonald Avenue; to Avenue M; to Ocean Parkway; to Kings Highway; to McDonald Avenue; to Shell Road; to Shore Parkway; to Stillwell Avenue; to Mermaid Avenue; to West 37th Street; to shoreline; north and west along shoreline to an extension of 14th Avenue to point of origin.

It is anticipated that 200 seats will be available in the Open Admissions Program enabling students of Intermediate School 320 and Junior High School 61 who are presently in the Erasmus Hall High School zone to option for Lafayette High School. However, the determination of assignment will be made according to ethnicity, availability of seats and geographic location.

MIDWOOD HIGH SCHOOL

Zone: Beginning at the intersection of Ocean Parkway and Foster Avenue; east on Foster Avenue; to Nostrand Avenue; to Farragut Road; to Albany Avenue; to Avenue I; to East 42nd Street; to Avenue K; to Troy Avenue; to Flatlands Avenue; to Avenue N; to Coney Island Avenue; to Avenue M; to McDonald Avenue; to Bay Parkway; to Ocean Parkway; to point of origin.

It is anticipated that 200 seats will be available in the Open Admissions Program to enable students in the former South Shore skip zone, the former Madison skip zone, those residing in the Boys High School and Prospect Heights High School zone and those students from Intermediate School 320 and Junior High School 61, who are presently in the Erasmus Hall High School zone and those students from Intermediate School 271 and Intermediate School 55 who reside in the Franklin K. Lane zone, to option for Midwood High School. However, the determination of assignment will be made according to ethnicity, availability of seats and geographic location.

NEW UTRECHT HIGH SCHOOL

Zone: Beginning at the intersection of 11th Avenue and 66th Street; along 66th Street to 12th Avenue; to 67th Street; to 14th Avenue; to 65th Street; to West 7th Street; to Quentin Road; to West 11th Street; to Highlawn Avenue; to Stillwell Avenue; to 80th Street; to 20th Avenue; to 86th Street; to 11th Avenue; to point of origin.

It is anticipated that 250 seats will be available in the Open Admissions Program to enable students who reside in the Boys High School and Prospect Heights High School zones to option for New Utrecht High School. However, the determination of assignment will be made according to ethnicity, availability of seats and geographic location.

PROSPECT HEIGHTS HIGH SCHOOL

Zone: Open to all girls living in Brooklyn who reside within reasonable travel distance.

It is anticipated that girls who reside in the Boys High School zone will be afforded the opportunity to participate in the Optional Admissions program for the following schools: Midwood, Sheepshead Bay, Lincoln, New Utrecht, South Shore, Madison. Each applicant will state a preference numbering from 1 to 6. However, the determination of assignment will be made according to ethnicity, availability of seats and geographic location.

SAMUEL J. TILDEN HIGH SCHOOL

Zone: Beginning at the intersection of East 53rd Street and Linden Boulevard; along Linden Boulevard; to Rockaway Parkway; to Ditmas Avenue; to Ralph Avenue; to Farragut Road; to Glenwood Road; to East 53rd Street; to Amersfort Avenue; to Flatbush Avenue; to Flatlands Avenue; to Troy Avenue; to Avenue K; to East 42nd Street; to Avenue I; to Albany Avenue; to Farragut Road; to Schenectady Avenue; to Church Avenue; to East 53rd Street; to point of origin.

Students who reside within the present Samuel J. Tilden High School zone will continue to attend the zoned high school. In addition, an innovative program is to be instituted. A school of Political Science is to be organized within the school for students throughout the borough who are particularly interested in this field and whose performance record merits admission. This program will be initiated for the incoming ninth and tenth year students.

The records of students who apply will be reviewed by an admissions committee that will evaluate the performance achievement of the applicants.

Three members of the faculty are to be assigned immediately on a full-time basis to develop the qualifications for admissions and the curriculum of study. It is expected that arrangements will be made for consultation with distinguished college professors as well as other consultants whose expertise in the field is acknowledged.

The assignment of additional faculty is assured in order to guarantee the effectiveness of this program.

Students who are admitted to the School of Political Science commit themselves to a minimum of eight periods a day including lunch in order to fulfill the demands of the enriched program.

SAMUEL J. TILDEN HIGH SCHOOL (CONT.)

The ethnic balance for this school of Political Science will reflect the ethnic balance of the complex of high schools in this area.
NOTE: Admissions from outside the zone will be acceptable only from those students applying for the School of Political Science.

THOMAS JEFFERSON HIGH SCHOOL

Zone: Beginning at the intersection of Liberty Avenue and Barbey Street; south on Barbey Street; to Belmont Avenue; to Shepherd Avenue; to Dumont Avenue; to Atkins Avenue; along extension of Atkins Avenue to shoreline; to Fresh Creek Basin; north along Fresh Creek Basin; to Flatlands Avenue; to Louisiana Avenue; to Linden Boulevard; to Williams Avenue; to Riverdale Avenue; to Van Sinderen Avenue; to Sutter Avenue; to Hopkinson Avenue; to East New York Avenue; to Stone Avenue; to Liberty Avenue; to point of origin. Where boundaries of Franklin K. Lane High School touch those of Thomas Jefferson High School, pupils on both sides of the street will go to Franklin K. Lane High School.

Students in the former South Shore skip zone will continue to be assigned to their home school which will be Thomas Jefferson High School, but may option for South Shore, Madison, Midwood, Sheepshead Bay. Each applicant will state a preference numbering from 1 to 4. However, the determination of assignment will be made according to ethnicity, availability of seats and geographic location. (This plan duplicates the 1971-1972 pattern.)

SHEEPSHEAD BAY HIGH SCHOOL

Zone: Beginning at the intersection of Coney Island Avenue and Avenue T; east on Avenue T to Gerritsen Avenue; to Avenue U; to Burnett Street; to Avenue X; to Gerritsen Avenue; to U.S. pierhead and bulkhead line; Sea Wall Avenue; to Shore Boulevard; to Neptune Avenue; to Coney Island Avenue; north to point of origin.

It is anticipated that 200 seats will be available in the Open Admissions Program to enable students from the former South Shore skip zone, the former James Madison High School skip zone, the students in the Boys High School and Prospect Heights High School zones and the students from INtermediate School 320 and Junior High School 61, who are presently in the Erasmus Hall High School zone, to enable them to option for Sheepshead Bay High School. However, the determination of assignment will be made according to ethnicity, availability of seats, and geographic location.

SOUTH SHORE HIGH SCHOOL

Zone: Beginning at the intersection of East 98th Street and Dumont Avenue; east on Dumont Avenue to Rockaway Avenue; to Foster Avenue; to East 93rd Street; to Flatlands Avenue; to 88th Street; to Avenue J; to 85th Street; to Seaview Avenue; to Paerdegat Basin; to shoreline; along shoreline to Flatbush Avenue; to Amersfort Avenue; to East 53rd Street; to Glenwood Road; to Farragut Road; to Ralph Avenue; to Ditmas Avenue; to Rockaway Parkway; to Linden Boulevard; to Remsen Avenue; to Lenox Road; to East 92nd Street; to Clarkson Avenue; to Rockaway Parkway; to Winthrop Street; to East 98th Street; to point of origin.

SOUTH SHORE HIGH SCHOOL (CONT.)

It is anticipated that 200 seats will be available in the Open Admissions Program to enable students in the Boys High School, Prospect Heights High School zones, the former South Shore High Schoolskip zone, the former James Madison High School skip zone, and those students from INtermediate School 271 and Intermediate School 55 who reside in the Franklin K. Lane High School zone, and students of Junior High Schools 64, 166 and 296 and Intermediate Schools 171, 218, 292 and 302, to option for South Shore High School. However, the determination of the assignment will be made according to ethnicity, availability of seats and geographic location.

WILLIAM CULLEN BRYANT - GROVER CLEVELAND

Students who reside within the enclaves of William Cullen Bryant and Grover Cleveland High Schools may option to attend iether school. Each applicant will state his preference numbering from 1 to 2. However, the determination of assignment will be made on the availability of space in each receiving high school and on the geographic location of each pupil of the feeding schools.

WILLIAM CULLEN BRYANT ENCLAVE

Beginning at the intersection of Bushwick Avenue and Metropolitan Avenue; east on Metropolitan Avenue to Brooklyn-Queens boundary; to Johnson Avenue; to Porter Avenue; to Flushing Avenue; to Knickerbocker Avenue; to Starr Street; to Wilson Avenue; to Hart Street; to Evergreen Avenue; to Flushing Avenue; to Bushwick Avenue ;to point of origin.

GROVER CLEVELAND ENCLAVE

Beginning at Myrtle Avenue and Nostrand Avenue; east on Myrtle Avenue to Tompkins Avenue; south to Lexington Avenue; west to Nostrand Avenue; north to the point of origin.

* * * * * * * * * * *

NOTE: Should we not be able to accommodate youngsters who will option for Open Admissions this term, we intend to survey our schools to determine the number of unfilled seats created by change of residence or other reasons and to assign previously unassigned pupils to those seats.

877

PROJECTED FOR SEPTEMBER 1972

SCHOOL	REGISTER	% UTIL.	N	P	O
Abraham Lincoln	4054	130.	848 20.9%	236 5.8%	2970 73.3%
Bay Ridge	3326	126.	1292 38.8	973 29.3	1061 31.9
Boys	2325	96.	2091 89.9	186 8.0	48 2.1
Bushwick	2716	105.	882 32.5	1357 50.0	477 17.5
Canarsie	4742	154.	1488 31.4	403 8.5	2851 60.1
Eastern District	3619	165.	1034 28.6	2109 58.3	476 13.1
Erasmus	5370	117.	2979 55.5	383 7.1	2008 37.4
Fort Hamilton	4017	151.	589 14.7	528 13.1	2900 72.2
F.D.R.	4913	149.	1263 25.7	474 9.6	3176 64.6
F.K. Lane	5278	119.	3136 59.4	963 18.3	1179 22.3
George Wingate	3453	118.	2728 79.0	369 10.7	356 10.3
James Madison	3932	113.	1180 30.0	255 6.5	2497 63.5
John Dewey	3186	101.	709 22.2	187 5.9	2290 71.9
John Jay	5581	163.	1380 24.7	1626 29.1	2575 46.2

PROJECTED FOR SEPTEMBER 1972

SCHOOL	REGISTER	% UTIL.	N	P	O
Lafayette	5524	148.	919 16.6%	395 7.2%	4210 76.2%
Midwood	4239	145.	1202 28.3	113 2.7	2924 69.0
New Utrecht	4147	143.	794 19.2	63 1.5	3290 79.3
Prospect Heights	3556	137.	2646 74.4	706 19.9	204 5.7
Samuel J. Tilden	2626	79.	779 29.7	154 5.8	1693 64.5
Sheepshead Bay	4732	130.	1240 26.2	87 1.8	3405 72.0
South Shore	5174	114.	1489 28.8	254 4.9	3431 66.3
Thomas Jefferson	4606	119.	2914 63.3	1455 31.6	237 5.1
TOTALS	91,116	127.	33,582 36.8	13,276 14.6	44,258 48.6

# # #

Defendants' Exhibit S

School Population Ethnic Distribution
for Borough of Brooklyn 1965-1966

880

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School _____

Borough BROOKLYN

District _____

Asst. Supt. _____

Year	School	Capacity	% Utilization	Population Distribution						
				Number				Percent		
				Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1965	[illegible]	3013	143.	4350	96	147	4107	2.2	3.4	94.4
1966		3013	144.	4395	123	115	4157	2.8	2.6	94.6
1965	BAY RIDGE	1595	159.	2541	213	367	1961	8.4	14.4	77.2
1966		1595	145	2305	208	403	1694	9.0	17.5	73.5
1965	BOYD	2368	108	2563	1854	411	218	72.3	19.2	8.5
1966		2368	96	2279	1740	418	121	76.4	18.3	5.3
1965	BRYN MAWR	5786	97	5595	340	244	5011	6.1	4.4	89.5
1966		5786	99	5712	427	110	5175	7.5	1.9	90.6

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School _____

Borough BROOKLYN

District _____

Asst. Supt. _____

SCHOOL	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
[illegible]	2041	142	2894	653	657	1584	22.6	22.7	54.7
[illegible]	[illegible]	161	3272	957	950	1365	29.1	28.8	42.1
[illegible]	2998	102	3057	747	252	2058	23.8	8.2	68.0
	[illegible]	145	4348	797	267	3284	18.4	6.1	75.5
[illegible]	[illegible]	177	3354	1274	1510	570	38.0	45.0	17.0
	[illegible]	146	2767	907	1354	506	32.8	48.9	18.3
[illegible]	4478	138	6172	1207	348	4617	19.6	5.6	74.8
	4478	132	5912	1386	257	4269	23.4	4.4	72.2

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School _____

Borough _____

District _____

Asst. Supt. _____

_____

_____

SCHOOL	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
FORT	2529	128	3315	309	170	1826	9.3	5.1	35.6
	2529	131	3325	392	325	2896	11.1	6.7	
	4315	102	4411	1757	541	2093	39.8	12.7	47.5
	4315	110	4764	2134	492	2138	44.8	10.3	44.9
	2700	97	2702	1344	88	1280	49.4	3.2	
				1121	104	1221	45.1		
	3051	151	4597	425	47	4125	9.3	1.0	89.7
	3051	156	4764	596	145	4023	12.5	3.0	84.5

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School _____

Borough BROOKLYN

District _____

Asst. Supt. _____

SCHOOL	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
[illegible]	3[illegible]	132	4957	180	[illegible]	4722	3.7	1.1	95.2
	3[illegible]	135	5040	266	100	4674	5.3	2.0	92.7
[illegible]	3[illegible]	98	3193	480	445	2318	13.5	13.9	72.6
	3[illegible]	105	3442	591	986	1866	17.2	28.6	54.2
[illegible]	2[illegible]	172	4100	579	67	3454	14.1	1.6	84.3
	2[illegible]	177	4[illegible]	521	[illegible]	3260	12.1	10.6	77.3
[illegible]	2[illegible]	145	4098	72	35	3945	1.8	0.9	97.3
	2630	145	4041	66	111	3870	1.6	2.8	95.6

9/52

BOARD OF EDUCATION - CITY OF NEW YORK 884

Central Zoning Unit

School Population - Ethnic Distribution

School _____

Borough BROOKLYN

District _____

Asst. Supt. _____

YEAR	SCHOOL	Capacity	% Utilization	Population Distribution						
				Number				Percent		
				Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1965	PROJECT [illegible]	2536	115	2901	1513	681	710	52.1	23.5	24.4
1966		2536	102	2589	1431	654	504	55.3	25.3	19.4
1965	STAT. [illegible]	[illegible]	137	4417	535	323	3559	12.0	7.3	80.7
1966		3235	133	4303	576	217	3510	13.4	5.0	81.6
1965	SHERMAN	3613	87	3613	109	90	3415	3.5	0.6	15.8
1966		3515	118	4155	356	59	3740	8.6	1.4	90.0
1965	F.D.R.	3297	54	1768	423	25	1320	23.9	1.4	74.7
1966		3297	85	2791	713	68	1950	27.7	2.4	69.9

9/61

BOARD OF EDUCATION - CITY OF NEW YORK **885**

Central Zoning Unit

School Population - Ethnic Distribution

School _____

Borough BROOKLYN

District _____

Asst. Supt. _____

_____

_____

SCHOOL	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
[redacted]	2815	142	4083	1383	885	1815	33.9	21.7	44.4
	2815	143	4093	1676	942	1480	40.9	23.0	36.1

9/61

Defendants' Exhibit T

School Population Ethnic Distribution
for Borough of Queens 1965-1966

BOARD OF EDUCATION - CITY OF NEW YORK 887

Central Zoning Unit

A-7

School Population - Ethnic Distribution

School _____

Borough QUEENS

District _____

Asst. Supt. _____

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SCHOOL	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
965 ANDREW JACKSON	3190	127.	4067	1901	68	2098	46.7	1.7	51.6
966	3190	110.	3503	1656	84	1763	47.3	2.4	50.3
[illegible] SAN-	3256	151.	4926	111	123	4692	2.3	2.5	95.2
[illegible] SIDE	3256	153.	4991	250	50	4691	5.0	1.0	94.0
965 [illegible]	2916	111.	3229	281	76	2872	8.7	2.4	88.9
966 [illegible]	2916	113.	3305	352	40	2913	10.7	1.2	88.1
965 FLUSH-	2573	140.	3606	341	110	3155	9.5	3.0	87.5
966 ING	2573	143.	3669	378	40	3251	10.3	1.1	88.6

9/61

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School _____

Borough QUEENS

District _____

Asst. Supt. _____

SCHOOL	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
[illegible]	2830	131.	3711	271	73	3367	7.3	2.0	90.7
[illegible]	2830	136.	3864	418	20	3426	10.8	0.5	88.7
CLEVE-	3075	102.	3123	476	86	2561	15.2	2.8	82.0
LAND	3075	118.	3549	919	75	2655	25.2	2.1	72.7
FRAN.	2814	115.	3235	399	84	2752	12.4	2.6	85.0
[illegible]	2814	149.	4183	712	18	3453	17.0	0.5	82.5
[illegible]	3051	136	4159	894	178	3087	21.6	4.2	74.2
[illegible]	3051	133.	4042	879	162	3001	21.8	4.0	74.2

BOARD OF EDUCATION - CITY OF NEW YORK 889

Central Zoning Unit

School Population - Ethnic Distribution

School _____

Borough QUEENS

District _____

Asst. Supt. _____

YEAR	SCHOOL	Capacity	% Utilization	Population Distribution						
				Number				Percent		
				Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
65	JOHN	3096	153.	4751	1326	89	3336	27.9	1.9	70.2
66	ROSS	3096	157.	4867	1271	100	3496	26.1	2.1	71.8
65	JOHN	3292	65.	2131	200	20	1911	9.4	0.9	89.7
66	BOWNE	3292	111.	3641	441	20	3180	12.1	0.6	87.3
65	L.I.C.	1747	133.	2311	340	194	1777	14.7	8.4	76.9
66		1749	119.	2083	340	75	1667	16.3	3.6	80.1
65	VAN	3418	128.	4445	457	110	3928	9.1	2.5	88.4
66	BUREN	3418	135.	4647	600	36	4011	12.9	0.8	86.3

9/61

BOARD OF EDUCATION - CITY OF NEW YORK 890

Central Zoning Unit

School Population - Ethnic Distribution

School _____

Borough QUEENS

District _____

Asst. Supt. _____

SCHOOL	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
[illegible]	[illegible]	118.	4170	393	139	3638	9.4	3.4	87.2
[illegible]	[illegible]	132.	4658	499	50	4109	10.7	1.1	88.2
[illegible]	[illegible]	141.	3020	478	51	2491	15.8	1.7	82.5
[illegible]	[illegible]	[illegible]	3110	[illegible]	50	2494	18.2	1.6	80.2
[illegible]	[illegible]	53.	1755	595	27	1136	33.9	1.5	64.6
[illegible]	[illegible]	94.	3085	1045	15	2025	33.9	0.5	65.6
[illegible]	[illegible]	119.	4276	472	182	3622	8.5	3.8	87.7
[illegible]	[illegible]	126.	4540	385	172	3983	7.4	3.6	89.0

9/61

Defendants' Exhibit U

School Population Ethnic Distribution
New York City Area 1957 to 1967

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

Δ'd

School Population - Ethnic Distribution

Division Academic High

Area New York City

Year	Population Distribution						
	Number				Percent		
	Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1957	187,282	17,450	8,601	161,231	9.3	4.6	86.1
1958	192,409	19,292	8,852	164,265	10.0	4.6	85.4
1959	189,737	19,716	9,543	160,478	10.4	5.0	84.6
1960	188,795	20,151	9,878	158,766	10.7	5.2	84.1
1961	198,256	22,270	10,914	165,072	11.2	5.5	83.3
1962	205,971	25,728	12,741	167,502	12.5	6.2	81.3
1963	204,075	30,080	14,727	159,268	14.7	7.2	78.0
1964	204,152	37,167	17,851	149,134	18.2	8.7	73.1
1965	~~212,017~~ 212,010	45,010	23,968	143,132	21.2	11.3	67.5
1966	~~223,986~~ 224,039	~~49,250~~ 48,776	~~26,537~~ 28,167	~~148,199~~ 147,096	~~22.0~~ 21.8	~~11.9~~ 12.6	~~66.1~~ 65.6
1967	230,423	53,171	29,908	147,344	23.1	13.0	63.9

9/61

BOARD OF EDUCATION—CITY OF NEW YORK

Central Zoning Unit

School Population— Ethnic Distribution

Division A. H. S. (composite)

Area CITY-WIDE

Year	Population Distribution						
		Number			Percent		
	Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	235,876	59,506	31,285	145,085	25.2	13.3	61.5
1969	[illegible]	[illegible]	33,673	[illegible]	27.4	14.3	[illegible]
1970	[illegible]	[illegible]	[illegible]	[illegible]	28.5	15.1	[illegible]
1971	[illegible]	79,231	40,175	[illegible]	31.0	15.7	53.3
1972							
1973							
1974							
1975							
1976							
1977							
1978							

Defendants' Exhibit V

School Population Ethnic Distribution
Academic and Vocational High Schools
Borough of Brooklyn for 1961, 1967 to 1971

(ΔV)

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School ACADEMIC & VOCATIONAL HIGH SCHOOLS

Borough BROOKLYN

District C C G 78

Asst. Supt. Joseph Brennan

Oscar Dombrow

SUMMARY

	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1961	70,488	126.3	88,997	10,787	5,181	73,029	12.1	5.8	82.1
1967	79,359	122.2	96,944	23,833	13,082	60,029	24.6	13.5	61.9
1968	78,438	125.4	98,345	26,817	13,476	58,052	27.3	13.7	59.0
1969	81,168	121.7	98,746	29,968	14,410	54,358	30.3	14.6	55.1
1970	87,264	117.3	102,400	33,449	16,146	52,805	32.7	15.7	51.6
1971	87,129	121.3	105,696	36,704	17,325	51,667	34.7	16.4	48.9

Defendants' Exhibit W

School Population Ethnic Distribution
Combined Academic High Schools
Borough of Brooklyn
1957 to 1971

897

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

Δ "W"

School Population - Ethnic Distribution

Division COMBINED ACAD. H.S.

Area B'KLYN

Year	Population Distribution						
	Number				Percent		
	Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1957	72,978	5,392	1,741	65,845	7.4	2.4	90.2
1958	74,675	6,196	2,003	66,476	8.3	2.7	89.0
1959	73,183	6,218	2,247	64,718	8.5	3.1	88.4
1960	72,902	6,696	2,129	64,077	9.2	2.9	87.9
1961	75 556	7451	2709	65 396	9.9	3.6	86.5
1962	77,717	8,390	3,299	66,028	10.8	4.2	85.0
1963	76 382	10,406	2,207	63,677	13.1	4.9	82.0
1964	~~74,764~~ 75,295	~~12,542~~ 12,623	~~5055~~ 5091	~~57,172~~ 57,581	16.8	~~6.8~~ 6.7	76.5
1965	78068	15,407	7418	55,243	19.7	9.5	70.8
1966	81 187	17030	8434	55723	21.0	10.4	68.6
1967	82,692	19,091	8,918	54,663	23.1	10.8	66.1

9/61

BOARD OF EDUCATION—CITY OF NEW YORK

Central Zoning Unit

School Population- Ethnic Distribution

Division _____

_____

Area _____

Year	Population Distribution						
		Number			Percent		
	Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	84,335	21651	9420	53,264	25.7	11.2	63.1
1969	85,171	[illegible]	[illegible]	[illegible]	[illegible]	12.0	5[illegible]
1970	8[illegible]	[illegible]	[illegible]	[illegible]	2[illegible].1	12.[illegible]	5[illegible]
1971	91,2[illegible]0	[illegible]	[illegible]	[illegible]	24.1	12.[illegible]	5[illegible]
1972							
1973							
1974							
1975							
1976							
1977							
1978							

11
84) 9.4
84
100
84
16

21651
9420
31071

84,335
31,071
53274

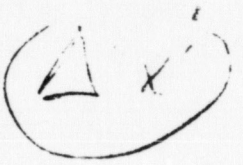
Defendants' Exhibit X

School Population Ethnic Distribution
Combined Academic High Schools
Borough of Queens
1957 to 1971

900

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit



School Population - Ethnic Distribution

Division Combined Jr. H.S.

Jr. H.S.

Area Queens

Year	Population Distribution						
	Number				Percent		
	Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1957	~~48,950~~	~~3,501~~	~~550~~	~~44,899~~	5.1	1.1	
1958	~~50,421~~	~~3,839~~	~~574~~	~~47,944~~	5.6	1.1	
1959	~~50,175~~	5,120	~~562~~	~~46,693~~	6.3	1.1	
1960	~~50,413~~	~~3,914~~	~~555~~	~~45,944~~	6.4	1.1	
1961	53 618	3639	408	49571	6.8	.8	
1962	55,708	4,277	469	50,962	7.7	0.8	91.5
1963	~~54 421~~	~~5 084~~	~~574~~	~~48823~~	9.2	1.1	
1964	~~54 142~~ ~~51 467~~	~~6211~~	~~803~~	~~44 453~~	12.1	1.6	86.4
1965	56 918	8887	1608	46423	15.6	2.8	81.6
1966	61 889	10237	2637	49015	16.5	4.3	79.2
1967	64,544	11,750	2,281	50,513	16.2	3.5	

9/61

901

BOARD OF EDUCATION–CITY OF NEW YORK

Central Zoning Unit

School Population– Ethnic Distribution

Division 4

Area 2

Year	Population Distribution						
		Number			Percent		
	Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
1969	64,243	12,411	2332	42,484	21.2	3.7	75.1
1970	5,649	15431	2282	44,000	23.5	3.4	73.1
1971	4431	16734	2589	[illegible]	24.5	4.0	71.5
1972							
1973							
1974							
1975							
1976							
1977							
1978							

Defendants' Exhibit Y

School Population Ethnic Distribution
1972 Composite

BOARD OF EDUCATION - CITY OF NEW YORK

903

Central Zoning Unit

School Population - Ethnic Distribution

School _____

Borough _____

District _____

Asst. Supt. _____

_____

_____

1972 COMPOSITE

	71-72 Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
John Browne	3388	104.9	3553	852	135	2566	24.0	3.8	72.2
F. D. C.	1789	159.6	2856	305	231	2320	10.7	8.1	81.2
Van Buren	3556	117.2	4166	1014	45	3107	24.3	1.1	74.6
Seaview	4516	104.9	4739	481	155	4103	10.1	3.3	86.6*
Richmond Hill	3096	115.9	3588	1049	287	2252	29.2	8.0	62.8
Springfield Gdns.	3388	113.1	3832	1934	86	1812	50.5	2.2	47.3
Bryant	3699	126.6	4683	761	471	3451	16.3	10.0	73.7
Aug. Martin	1644	69.3	1140	896	93	151	78.6	8.2	13.2
QUEENS ACADEMIC HIGH SCHOOLS	60,559	113.6	68,780	17,953	3192	47635	26.1	4.6	69.3
BROOKLYN ACADEMIC HIGH SCHOOLS	78,124	116.5	91,016	33,209	12,240	45,567	36.5	13.4	50.1

* OSDA 22.5% INCL.

CZU #39
500- 5/71

Defendants' Exhibit Z

1971-72 Brooklyn High Schools
Individual-Composite Ethnics by Grade

10/71

BROOKLYN HIGH SCHOOLS

SCHOOL	REGISTER	UTIL.	12 N	12 P	12 O	11 N	11 P	11 O	10 N	10 P	10 O	9 N	9 P	9 O	AVERAGE SCHOOL-WIDE N	P	O
rahem Lincoln	3912	128.6	10.9	1.8	87.3	17.2	3.8	79.0	19.2	6.0	74.8	29.3	8.4	62.3	17.6	4.5	77.9
Ridge	2909	111.6	26.8	21.2	52.0	29.0	29.7	41.3	37.6	34.3	28.1	45.0	22.8	32.2	35.7	28.0	36.3
ooklyn Tech	5503	95.1	11.6	6.0	82.4	13.3	6.0	80.7	17.4	6.6	76.0	20.6	7.9	71.5	16.4	6.8	76.8
ys	2639	111.4	89.6	9.8	0.6	90.4	7.0	2.6	89.8	9.1	1.1	89.7	7.8	2.5	89.9	8.5	1.6
wick	2556	103.9	32.1	39.9	28.0	35.4	40.9	23.7	34.7	48.2	17.1	28.1	57.8	14.1	33.0	47.5	19.5
arsie	4834	161.2	12.5	2.9	84.6	25.8	5.8	68.4	27.9	8.5	63.6	50.3	13.2	36.5	25.1	6.7	68.2
ern District	3238	145.9	29.2	53.9	16.9	29.3	60.0	10.7	31.9	55.0	13.1	25.2	60.7	14.1	28.9	57.3	13.6
ens Hall	5020	112.1	33.3	4.4	62.3	48.6	6.0	45.4	52.2	8.5	39.3	68.4	6.3	31.3	51.2	6.7	42.1
rt Hamilton	3916	151.7	8.2	7.2	84.6	10.3	8.6	81.1	17.2	14.9	67.8	12.5	13.3	74.2	13.0	11.5	75.5
.D. Roosevelt	4238	131.7	24.6	2.5	72.9	25.4	5.5	69.1	30.2	10.2	59.6	26.5	10.9	62.6	27.3	8.3	64.4
K. Lane	4615	105.9	44.0	17.4	38.6	54.7	17.4	27.9	60.7	21.0	18.3	60.1	16.9	23.0	57.2	18.3	24.5
orge W. Wingate	3278	111.8	71.9	8.7	19.4	80.3	8.8	10.9	79.4	9.7	10.9	76.4	15.9	7.7	78.0	10.1	11.9
mes Madison	4110	122.2	14.0	3.7	82.3	29.7	7.0	63.3	26.1	6.6	67.3	49.2	4.1	46.7	26.4	5.7	67.9
hn Dewey	2665	87.0	23.8	6.5	69.7	24.4	6.5	69.1	24.2	5.6	70.2	17.3	5.8	76.9	23.0	6.0	71.0	
n Day	5382	161.4	21.4	27.9	50.7	28.0	27.6	44.4	23.5	32.2	44.3	17.4	22.2	60.4	25.1	29.8	46.1
ette	5068	139.5	3.3	1.5	95.2	12.2	4.9	82.9	20.2	6.6	73.2	14.9	12.5	72.6	13.1	5.5	81.4
wood	1329	148.6	14.7	2.5	82.8	24.7	3.1	72.2	27.9	2.2	69.9	10.5	4.2	85.3	24.7	2.8	72.5
Utrecht	4176	147.6	8.3	1.1	90.6	15.0	2.2	82.8	21.0	1.5	77.5	20.1	1.1	78.8	15.9	1.5	82.6
spect Heights	3281	129.5	68.3	23.9	7.8	74.5	20.8	4.7	72.2	21.3	6.5	75.7	18.7	5.6	73.2	20.7	6.1
el J. Tilden	3034	93.2	30.8	6.7	62.5	32.8	5.6	61.6	27.9	5.8	66.3	25.1	6.6	68.3	30.5	6.1	63.4
ighead Bay	4501	126.9	12.3	1.1	86.6	26.0	3.1	70.9	22.1	1.4	76.5	30.9	1.1	59.0	23.9	1.8	74.3
mas Jefferson	4374	113.8	69.0	23.1	7.9	66.2	27.7	6.1	61.8	33.0	5.2	63.1	32.2	4.7	64.4	29.9	5.7
th Shore	3568	88.1				20.0	4.8	75.6	26.8	4.9	68.3	34.4	5.3	60.3	29.0	5.2	65.9
	91077		26.7	9.6	63.1	33.1	12.0	54.9	35.6	14.6	49.8	42.2	16.3	41.5			
ex. Tech Voc	1240	95.4	37.3	24.7	38.0	41.7	27.6	30.4	48.2	30.8	21.0	58.5	27.7	13.8	50.2	28.2	21.6
utomotive	1401	107.7	29.4	35.5	35.5	33.7	31.9	34.6	29.8	42.3	28.7	32.3	39.5	28.2	27.8	37.3	34.9
lam Bartor	1723	91.4	48.6	26.6	24.8	53.7	29.7	16.6	61.1	31.5	7.4	70.9	25.8	3.3	63.0	30.1	6.9
st New York	1682	129.4	31.4	45.4	23.2	37.4	40.9	21.7	36.1	46.8	17.1	39.3	41.9	18.8	36.7	44.0	19.3
Whitney	2202	140.1	46.6	39.2	14.2	37.6	45.9	16.5	39.5	48.0	12.5	36.8	50.3	12.9	39.6	46.6	13.8
o.Westinghouse	2137	118.7	48.8	26.8	24.4	43.4	38.4	28.2	55.8	27.0	17.2	55.1	31.4	13.5	51.5	28.2	20.3
ah J. Hale	1329	96.5	32.5	47.4	20.1	33.9	49.1	17.0	34.9	49.7	15.4	34.1	55.9	10.0	34.1	50.9	15.0
. E. Grady	1772	98.4	2.7	5.0	92.3	4.4	11.3	84.3	6.9	6.5	86.6	9.2	7.4	83.4	6.4	7.7	85.9
. Maxwell	1697	157.7	22.5	29.2	48.3	22.3	34.5	43.3	33.3	42.5	24.2	23.6	34.9	41.5	26.6	37.0	36.4
	15183		34.8	32.5	32.7	35.3	33.0	31.7	37.2	35.7	27.1	39.0	34.0	27.0			